



International Criminal Court

Chairs:

Isy Osubor

Arnav Patel

Suki Zhang

Letter from the Chairs

Dear Delegates,

Welcome to the 2019 MIT Model United Nations Conference! We are Suki Zhang, Isy Osubor, and Arnav Patel, and we are the chairs for the International Criminal Court this year.

Arnav Patel is a junior studying mechanical engineering and minoring in energy studies. He participated briefly in Model UN in high school, and this will be the first conference he has ever chaired. Outside of MITMUNC, Arnav is a brother of Kappa Sigma and a resident of Maseeh 2. He participates in a variety of different clubs including MIT Mock Trial, Club Tennis, MIT Divest, and Camp Kesem.

Suki Zhang is a sophomore studying Computer Science, Economics, and Data Science minoring in Finance. She competed in one Model UN tournament in High school, so this will be the first conference she's chaired. At MIT, Suki is a director for the Fall Career Fair, student leader for the MIT Waste Watchers, and a member of Mock Trial. For fun, she likes to listen to Podcasts, go out to eat, and hang out with friends.

Isy Osubor is a junior studying Mechanical Engineering and double minoring in Literature and Business Management. She participated in numerous Model UN conferences throughout the Midwest in high school and is excited to be chairing for the first time at MIT. Isy is a member and Chief Recruitment Officer for Kappa Alpha Theta sorority and is a resident of Maseeh. She is also a member of the MIT Consulting Group and is on the Sakata dance team for MIT. She enjoys exercising at Barry's Bootcamp, frequently kickboxes, and runs. In her spare time, she goes to brunch or gets boba with friends.

Today's topics are set in the Marvel Cinematic Universe, an opportunity for you all to be creative and explore concepts that are not usually presented to you in these conferences:

1. **Charging the Avengers with war crimes**
2. **Reparations from those that housed the Avengers in the past**

In a world where technology is rapidly developing, thinking about scenarios that, at this time, seem quite unrealistic allows us to assess the benefits and dangers of weapons development, unions between machines and humans, and current political divisions. The ICC has traditionally been in session to decide the fates of genocidal regime leaders and soldiers. But due to current political

climates, will the role of the ICC change? Will it become far more powerful? This is a good opportunity to reflect on that.

Perhaps, this is more than an avenue for each one of you to spend time watching Marvel movies. It is a fantastic way for you to critically think about the role of war and the consequences bystanders may experience due to large scale conflicts.

We wanted to present you all with this guide as a springboard for your debate this weekend. It's not meant to give you all the necessary information, and will require you to conduct a fair amount of research on the Avengers, current weapons development programs, current wars, and more. In preparation for the conference, you will each submit a page per topic to mitmunc-icc@mit.edu.

We hope you are just excited as we are to participate, and that you have a great time at MITMUNC XII!

Sincerely,

Isy Osubor, Arnav Patel, and Suki Zhang
MITMUNC 2020 ICC Chairs

Topic I: Charging the Avengers with War Crimes

Background on the Founding of the ICC

The establishment of an international tribunal to judge political leaders accused of international crimes was first proposed by the Commission of Responsibilities during the 1919 Paris Peace Conference after WWI. Many years later, at a 1937 conference held in Geneva, the issue was raised once more and a convention was created, but only 13 countries signed the convention and none ratified it, meaning that the ICC was never officially created. After WWII, the Allied powers created two ad hoc tribunals to prosecute Axis leaders under the accusation of war crimes. Finally, in 1948, the UN General Assembly recognized the need for a permanent international court to handle accusations of perpetrated atrocities across the globe and the Rome Statute of the International Criminal Court (ICC) was adopted on 17 July 1998 by 160 countries. The seven countries that voted against the treaty were China, Iraq, Israel, Libya, Qatar, the United States, and Yemen. It is important to note that Israel's opposition to the treaty stemmed from the inclusion in the list of war crimes "the action of transferring population into occupied territory". Within the ICC, each state has one vote with the main goal of achieving some consensus among all states. However, if consensus cannot be reached, decisions are made by vote.

The ICC is an independent body whose mission is to try individuals for crimes within its jurisdiction without intervention from the UN. Note that the ICC is not meant to be a replacement for a country's justice system, and is instead supposed to function as a complement to that existing system. This is because the ICC can only investigate and prosecute individuals under three conditions: the first is if the governing nation does not, cannot, or is unwilling to prosecute the individual in question, the second is if the United Nations Security Council itself refers a case to the ICC., and the third stipulates that the individual being tried must also be a citizen of a state that is part of the Rome Statute. Unlike the International Court of Justice, the ICC prosecutes individuals, not groups or states and as such, any individual who is accused of committing crimes within the jurisdiction of the ICC can be investigated and prosecuted. More specifically, the ICC has jurisdiction to prosecute individuals for the crimes of genocide, crimes against humanity, war crimes, and crimes of aggression. These crimes are detailed in articles 6, 7, 8, and 8 *bis* of the Rome Statute, respectively. The only type of immunity the ICC recognizes is that it cannot prosecute those who were under 18 when the crime was committed. In particular, no officials – not even heads of state – are immune from prosecution.

For the purpose of the ICC debate on the Avengers, the two types of crimes we'll focus on are crimes against humanity and war crimes. Their definitions as delineated by the ICC are as follows:

Crimes against humanity:

Article 7 defines crimes against humanity as acts committed as part of a widespread or systematic attack directed against any civilian population.

1. Murder
2. Extermination
3. Enslavement
4. Deportation or forcible transfer of population
5. Imprisonment or other severe deprivation of physical liberty
6. Torture
7. Persecution
8. Enforced disappearance of persons
9. Other inhumane acts

War crimes:

Article 8's definition of **war crimes** is contingent on whether the conflict in question occurs internationally (fought between states) or non-internationally (fought between non-state actors e.g., rebel groups, between a state and non-state actors etc.) Although there are a total of 74 war crimes listed under article 8, the 11 crimes which are considered grave breaches of the Geneva Conventions are as follows.

1. Willful killing
2. Torture
3. Inhumane treatment
4. Biological experiments
5. Willfully causing great suffering
6. Destruction and appropriation of property
7. Compelling service in hostile forces
8. Denying a fair trial
9. Unlawful deportation and transfer
10. Unlawful confinement
11. Taking hostages

Introduction to the Situation

*Note: This is the Marvel **Cinematic** Universe, not the books themselves.*

It's early 2017. Last year, the United Nations approved the Sokovia Accords, a means to provide the UN oversight of the Avengers, in response to the destruction of Sokovia from the year before. The Sokovia Accords were a collection of legal documents made to regulate superheroes and "enhanced" individuals. Sokovia continues to be rebuilt as do other nations and cities destroyed by the events surrounding the Avengers and their enemies. Wakanda has emerged as the greatest technological nation in the world. SHIELD continues to be rebuilt from the ground up.

Last year, a faction of the Avengers decided to support the Sokovia accords. However, another faction led by Captain America decided to not support the decision of the United Nations. In the spring of 2016, the Avengers entered what was called a "Civil War" between those that supported the Sokovia Accords and those that did not over the status of a new entity called the Winter Soldier. By the end of 2016, Steve Rogers (Captain America), Bucky Barnes (Winter Soldier), Sam Wilson (Falcon), Wanda Maximoff (Scarlet Witch), Clint Barton (Hawkeye), Scott Lang (Ant Man), and Natasha Romanova (Black Widow) became fugitives and went into hiding.

Today, the ICC convenes on a large scale. This convention includes members of the Avengers who supported the Accords, numerous countries and nations, a variety of other figures surrounding the Avengers (including Helmut Zemo who initiated the later battles of the Civil War between the Avengers factions; and ex-Hydra members), and other important individuals to discuss the following:

1. Should we charge the fugitives or forgive the Avengers and come to a compromise with them? The people in question are Captain America, Falcon, Scarlet Witch, Ant Man, Black Widow, and Winter Soldier. In addition, should the ICC reverse immunity granted to the Avengers that support the Accords (after all, they took part in the destruction)? **Should the Avengers be charged with war crimes?**
2. Numerous countries have harbored Avengers in the past including the United States, India, Russia, and South Korea. Do these countries pay for reparations in Sokovia, Nigeria, and other countries that have been decimated by wars from the Avengers? Is it even within the power of the ICC to demand reparations for victims? **Who is to blame and who pays?**

The Avengers have been an important independent group in the last decade saving the planet and the universe on multiple occasions. In 2012, the Avengers saved the world in the Battle of New York, an alien invasion led by none other than Loki, brother of Thor. As an initiative started by

S.H.I.E.L.D, the Avengers were established as an elite force of superheroes assigned with the task of protecting the world from things out of government control. The Avengers at this point comprised of Tony Stark (Iron Man), Black Widow, Captain America, Bruce Banner (Hulk), Hawkeye, and Thor.

Over the next few years, a few developments occurred that caused tension within the Avengers and developed the conversation surrounding superheroes:

1. In 2013, Thor nearly destroyed London in his battle against the Dark Elves. This started to raise questions regarding the role of the Avengers and the degree to which they could protect the world while simultaneously ensuring collateral damage was at a minimum.
2. Other “special” individuals started to appear, including Sam Wilson, Winter Soldier, James Rhodes (War Machine), Ant Man, and Spider Man.

In 2015, the Avengers gained access to the Mind Stone by raiding a Hydra facility. Utilizing the Mind Stone, Tony Stark created Ultron, a super intelligent AI system that was capable of taking over machinery. Ultron became obsessed with obtaining world peace and attempted to destroy humanity in order to ensure that the world would settle whilst giving power to the computers and machines. The city of Novi Grad in Sokovia was decimated in the fight to stop him.

The Avengers teamed up with ex-Hydra super beings Scarlet Witch and Pietro Maximoff (Quicksilver) to take Ultron down. Ultron traveled to South Korea to attempt to create a humanoid body, but the Avengers were able to fend him off for the time being. Back at the home base, the Avengers created Vision, a being who embodied the good of the mind stone.

At this point, Ultron attempted to enact his destruction by taking the city of Novi Grad and creating a vibranium meteor out of the land mass. The impact from the fallen mass would destroy the world. The Avengers stopped Ultron in time, but not before thousands of people were killed as collateral, including the family of Helmut Zemo. Thor and the Hulk disappeared after the fight.

In response to the tragedy of Sokovia, the United Nations ratified the Sokovia Accords, a series of laws and protocol to keep the Avengers accountable and lessen their destruction. The Avengers were also responsible for collapsing a few buildings in Lagos, Nigeria around this time. Tensions became apparent between the Avengers with Iron Man leading a faction of heroes that supported oversight. Captain America and his supporters were very much against this concept. During the ratification of the Accords in Vienna in 2016, bombs exploded at the conference killing multiple delegates including the King of Wakanda. The Winter Soldier was initially blamed for these attacks

and a manhunt ensued to find him. One of the key individuals to attempt to hunt him down was a new hero named Black Panther.

In ensuing events, the Avengers became split up into the following factions over how to respond to the Sokovia accords:

1. **Faction A:** Iron Man, War Machine, Black Widow, Vision, Spider Man, Black Panther
2. **Faction B:** Captain America, Winter Soldier, Falcon, Ant Man, Hawkeye, Scarlet Witch

During a battle in Germany between both factions, Faction B (with the exception of Captain America and the Winter Soldier) was captured and put on a UN mandated holding facility called the Raft. Black Widow, who allowed the other two to escape, was exiled and went missing.

It was later revealed that the bombings were part of an elaborate plan by Colonel Helmut Zemo as a means to break apart the Avengers as vengeance for what happened to his family in Sokovia. However, it was too late. Captain America and Iron Man engaged one another in a fierce battle. In the aftermath, Captain America and the Winter Soldier escaped and Zemo was arrested for his crimes, including murder and terrorism.

Zemo is now a prisoner of the United Nations.

Captain America later broke into the Raft and allowed his alleged co-conspirators to escape. They are currently fugitives.

In the ensuing months, Wakanda revealed itself to the world as a technologically advanced nation that, for years, hid behind the facade of a poor, developing country. The Black Panther revealed himself to be T'Challa, King of Wakanda. **Wakanda is currently engaging in programs to spread their technology, and has made appearances at the UN. Rumors have surfaced that Wakanda is also providing asylum to the Winter Soldier.**

The other Avengers are free at the moment. **Some of them have decided to attend today's convention.**

The following questions should be of note:

- 1) Are the fugitives guilty of war crimes for incidents in Sokovia and other locations?
- 2) Should any sort of decisions include Avengers that are currently here today who originally supported the Sokovia accords?

Bloc Positions:

Given the special circumstances of this ICC, the Blocs are broken into three divisions: Pro-Avenger, Anti-Avenger, and Neutral.

The Pro-Avenger division takes the stance that the fugitives should not be guilty of war crimes for incidents in Sokovia and other locations. Representatives from Faction A and S.H.I.E.L.D. (Tony Stark, Bruce Banner, James Rhodes, Sharon Carter) believe in the protective value of the Avengers against enemies of Earth, and should be allowed operation as insurance. Representatives from Faction A should be aware there is a possibility they may be charged as well in the final proposal, so they can consider approaching from a more conservative standpoint to protect personal interests. Pro-Avenger countries are generally developing nations with weak national security that seek the protective value of the Avengers against greater forces of evil. Some of these countries and agents might want to discuss who the stakeholders are in the operations of the Avengers, and who determines the Avengers missions and priorities.

The Anti-Avenger division take the stance that fugitives (and potentially other Avengers) should be charged for war crimes for incidents in Sokovia and other locations. Representatives in this division can potentially testify to the injustice of the Avengers operation through incidents that occurred in their respective communities. Some countries in the Anti-Avenger division are developed nations with robust national security, and they are concerned about the security risks of having a superhuman force controlled by a small faction of world leaders. Some of these countries and agents might want to discuss who the stakeholders were in the operations of the Avengers, who determined the Avengers missions and priorities, and how this system caused/ can cause potential abuses of power.

The Neutral Country division are countries that generally have no personal incidents with the Avengers group and/or no need of the Avenger's protection. This division might be interested in developing a proposal for the optimal structure to the Avengers operation as insurance, or they might be interested in developing a proposal in curbing the powers of Avengers and future superhumans that emerge.

Suggested sources

-Watch the movies

- https://marvelcinematicuniverse.fandom.com/wiki/Marvel_Cinematic_Universe

Topic 2: Reparations from those that Housed the Avengers

History of the Situation

In light of the recent destruction surrounding the activities of the Avengers, countries are demanding help to be repaired. The following incidents are of note:

- 1) Novi Grad, Sokovia (2015)- The precursor to the Sokovia Accords. Thousands of people died as the city of Novi Grad was ravaged by Ultron. The Avengers were able to stop the mass from dropping and creating a large asteroid-level impact, but they were responsible for the collateral damage in the form of infrastructure destruction and lost lives.
- 2) Lagos, Nigeria (2016)- In an attempt to stop Crossbones from stealing a bioweapon, the Avengers accidentally destroyed multiple buildings and killed twenty-six people, eleven of whom were Wakanda relief workers.
- 3) London, England (2013)- An older incident, the damage by Thor's war with Dark Elves still has led to major, very underfunded infrastructure projects in London.

Over the last decade, numerous countries have provided members of the Avengers a place to live.

The most involved in doing so is the United States, home of the headquarters of S.H.I.E.L.D, the Avengers, and Stark Industries. In addition, South Korea was responsible for the technology and facilities that created Vision and nearly created a superiorly human Ultron.

Other countries have also housed the Avengers. Black Widow honed her assassin skills in Russia. Bruce Banner escaped to India after his first major incident.

More recently, Wakanda has revealed its leader be one of these superhuman individuals. The Black Panther is the king of Wakanda, and his participation in the incidents surrounding the capture of the Winter Soldier is directly responsible for destruction within multiple cities in Germany and Austria.

The following questions should be of note:

- 1) Should the countries that have housed the Avengers pay the numerous countries that have suffered destruction due to the conflicts that transpired?
- 2) What would these reparations look like?
- 3) Does this set a precedent for future ICC action?

Bloc Positions

Given the special circumstances of this ICC, the Blocs are broken into three divisions: Pro-Reparation, Anti-Reparation, and Neutral.

The Pro-Reparation Division consist of representatives and countries who were personally involved in incidents with the Avengers, or are wary of future involvements with the Avengers. Zemo, Dr. Dorf, Sokovia, Nigeria, and the United Kingdom were all sites of Avenger battles, and seek reparation for the damage that results thereafter. China, Russia, and North Korea, as military-heavy countries, will likely seek an all-encompassing proposal to protect against future damage incurred by Avenger actions. Developing countries in this bloc will likely seek the same all-encompassing proposal to protect against potential damages in the future. Keep in mind, these countries are also aware of the military superpower that is the Avengers group, and might argue potential abuse of military power as advocacy for charging Avenger mission damages.

The Anti-Reparation Division consists of Faction A and the countries that harbored the Avengers. Faction A and Sharon Carter believe in the protective value of the Avengers against enemies of Earth, and their operations should not be fined since they are for the greater interests of Earth. USA, South Korea, and India will follow similar arguments as Faction A, as their role in harboring the Avengers is ultimately for the betterment of Earth's defense system. Keep in mind, though, that certain operations carried out by the Avengers were indeed under individual country jurisdiction, so think of how to navigate grounds on justifying those as objective missions for Earth.

The Neutral Division are countries that generally have no personal incidents with the Avengers group and/or see no future interactions with the Avengers. This division might be interested in developing a proposal that insures against potential future damage, or they might be interested in developing a proposal that severs the agenda of the Avengers from that of individual countries.

Pro-Reparation countries (want high-income countries to pay back)

- Zemo (now imprisoned by the ICC - responsible for the civil war between the avengers)
- Dr. Dorf (ex-Hydra Director of Communications now imprisoned by the ICC)

- Sokovia
- Nigeria
- A few other smaller countries (West Africa)
- Russia
- China
- North Korea
- United Kingdom

Anti-Reparation Parties

- Tony Stark (Iron Man)
- Bruce Banner (Hulk)
- James Rhodes (War Machine)
- Sharon Carter (ex agent of S.H.I.E.L.D.)
- USA
- South Korea
- India

Neutral countries

- Australia
- Some Western European countries
- Canada