

**OASIS INTERNATIONAL SCHOOL MODEL UNITED NATIONS**

General Assembly Sixth Committee : Legal

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Guiding package

Topic (1): Examining the criminal accountability of political leaders

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12. **Abstract :**

Accountability means being responsible for your own actions and its consequences, if you take responsibility that means that you are accountable and aware of what you’ve done. In leadership roles you must show accountability for your actions so you could earn trust. Criminal accountability is taking responsibility of the crime that you have committed. Many political leaders are not faithful to their country, they commit international crimes against humanity yet they are not held responsible.

Diplomatic immigration unity is a form of legal immunity that ensures diplomats, powerful leaders and UN officials are given safe passage and are considered not susceptible to lawsuit or prosecution and protect them from the jurisdiction of the country in which they are present. Diplomatic immunity has been used for decades by powerful leaders and it has been recognized by most civilizations and states throughout history.

Diplomatic immunity that is determined to a powerful leader can also be extended to their family members as well. As it protects them and their families from being prosecuted it also can be a serious danger to the countries and can cause serious global conflicts. Its highly considered as a global issue and it should be viewed as an international crime, as it doesn’t only affect the country in which its in but also affects its surroundings. Diplomatic immunity is considered as a major obstacle in achieving sustainable development, as well as it is in violation of human rights as it doesn’t give equal rights to everyone and doesn’t support equity.

The International criminal court is putting its effort to help end impunity. The international criminal court is holding predators of serious global crimes such as war crimes, genocide and crimes against humanity accountable for it.

1. **Introduction:**

Political leaders are essential to any country. They evaluate the distribution of power and resources as well as they build strong relationships with stakeholders and make decisions that are vital to the country. Their decisions can have a serious impact on the well-being of the country and its people. The impact of these decisions can result in different outcomes, it could help the country’s growth or lead it to failure. That's why being a political leader needs ambition and great leadership skills.

Leadership in a political framework requires lots of focus on the long-term solutions and possibilities that can benefit a country, and try to stay away from short-term ones as they are not very useful or beneficial. Outstanding political leadership requires lots of skills such as determination charisma and integrity, as well as the ability to take a decision based on what would benefit a great number of people.

The world is full of powerful political leaders but unfortunately very few of them live up to the leadership standards. Many political leaders seem to forget or lack some of the most important leadership qualities, such as accountability. Many political leaders are not accountable for the actions and crimes that they have caused, these crimes could be as big as wars of crimes, genocide and crimes against humanity. It is our mission to hold them accountable for these consequences of these actions.

1. **Definition of key terms :**

***Immunity :*** *being protected from a penalty*

***Impunity :*** *exemption from punishment*

***Diplomat :*** *an official representing a country abroad.*

***Diplomatic immunity :*** *the privilege of exemption from certain laws and taxes granted to diplomats by the country in which they are working.*

***Political leader:*** *a person who rules or guides or lead a group of people.*

***Leadership :*** *the position of being a leader and guiding a group of people*

***accountability :*** *being held responsible for your actions*

***War crimes :*** *an act carried out during the conduct of a war that violates international rules of war.*

***Crimes against humanity:*** *a deliberate act, typically as part of a systematic campaign, that causes human suffering or death on a large scale.*

***Genocide :*** *it is intentional action to destroy a group of people based on their ethnicity, race or nationality.*

***Criminal conduct :*** *“A conduct that breaks a law where a criminal penalty can apply. Sometimes a certain action (or failure to act) can be both a crime and trigger rights to civil damages or compensation as well. Criminal conduct experienced by not-for-profits can include: fraud.” [[1]](#footnote-0)*

1. **Background Information:**

As political leaders, UN officials and diplomats are expected to obey regulations, some may lose their career when they disobey local authorities or commit any sort of wrongful act or crime. The Vienna Conventions on International Relations of 1961 outlined a series of guidelines that protect diplomats from being unfairly punished. It also specifies the privileges of a diplomatic mission that enable diplomats to perform their function without fear of harassment by the host country. The Vienna Convention states that "without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State.”

 As for other political leaders, they also get immunity and usually are protected, sometimes not ‘accountable’ for their acts. In general, immunity is used in the means of protection but to some extent it violates numerous laws. Violation of the law may come in many forms such as espionage, child custody, money laundering, smuggling, tax evasion and even to an extreme level of crime like murder or terrorist threats. It is vital to investigate into this issue in an efficient manner as when reports of criminal conduct are not taken into consideration, that may cause substandard impressions of UN officials, political leaders and diplomats operating with impunity (maybe even against the law).

 It is extremely important to understand that the UN has been trying to solve the issue, precisely the International Criminal Court. Still, top diplomatic officers and top political leaders (including presidents) have full immunity, as do their deputies and even close ones. For example, ambassadors all around the world can commit any crime and still have the possibility to be protected from prosecution. They can not be forced into testifying in court, nor to be arrested. Other low-ranking officials or political figures have ‘weaker’ protection, which is “functional immunity.” That means they can be covered and protected when committing crimes relating to their work responsibilities only, not including any sort of extreme and serious crimes such as murder.

1. **Major countries Involved :**

It is very crucial to keep in mind that all countries are deeply involved in this issue, as some do not have the right immunity and protection for its diplomats, UN officials or political leaders, some abuse its use and use it in extreme illegal acts,..etc

The State of Qatar : Regarding principles of international law governing diplomatic and consular relations, the State of Qatar has always tried to follow and obey all regulations. Qatar has been a party to the 1961 Vienna Convention on Diplomatic Relations since 1986 and a party in 1998 to the 1963 Vienna Convention on Consular Relations. In 1997, Qatar attended to the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. Furthermore, it accepts that it is the duty of those protected people enjoying such privileges and immunities to respect the laws and regulations of the receiving State, article 21 of Decree-Law No. 13 (2009) asks that “the members of the Qatari diplomatic and consular service must uphold the dignity, honour and good name of their profession, whether in the workplace or outside it, and must avoid all that may damage international relations with other countries.” [[2]](#footnote-1)

 The Republic of Kosovo : During the Kosovo war many war crimes and crimes against humanity were committed by Yugoslav, Serb, Kosovo Albanian and NATO forces.

 The Republic of 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.

The Argentine Republic : Its national provisions established many regulations including “jurisdiction over offenses committed abroad by agents or employees of Argentine authorities in the performance of their duty” (United Nations 2017b, 24). As most of the countries members of the Legal Committee, Argentina has previously supported the UN’ Zero-Tolerance Policy on criminal conduct.

The Republic of India : The Association for Democratic Reforms, working on electoral and political reform, released a report stating that a total of 1,580 Members of Parliament (MPs) and Member of Legislative Assemblies (MLAs), or approximately 33 percent of the legislators in India’s Parliament and state assemblies, have criminal cases pending against them.

1. **Major organizations involved:**

The Human Rights Watch : It has been involved in many cases where countries have criminal political leaders. The Human Rights Watch helped with Nigeria’s immense issue which is criminal activity by its governance. It has worsened as public officials in Nigeria can usually expect to enjoy complete impunity for any crimes they may commit. Therefore, the HRW considered three main aspects regarding this issue : “systemic violence openly fomented by politicians and other political elites that undermines the rights of Nigerians to freely choose their leaders and enjoy basic security, the corruption that both fuels and rewards Nigeria’s violent brand of politics at the expense of the general populace and the impunity enjoyed by those responsible for these abuses that both denies justice to its victims and obstructs reform”.[[3]](#footnote-2) Many recommendations have been set, including obeying a law which requires the president, all members of the National Assembly and all ministers in the federal cabinet to “follow President Yar’Adua’s example by issuing and publicizing annual declarations of the total value of all personal assets. Require senior state and local government officials to do the same.” [[4]](#footnote-3)

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 indicated 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.

1. **UN involvement :**

The communication between states and the UN concerning the actions already taken to end impunity, including prosecutions was also stressed at the 2016 meeting of the Legal Committee (Argentina 2016).

 UN’ Zero-Tolerance Policy on criminal conduct :

The UN wanted to ensure the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peacekeeping operations. The General Assembly urged States to take all appropriate measures in order to consider all crimes committed by United Nations officials and experts on mission do not go unpunished and that the criminals and associates are brought to justice.

The UN has also stated as a reaffirmation by the Secretary General that there would be no tolerance for any sort of corruption, concerning all alleged crimes by UN officials and experts on mission. Numerous measures have been implemented regarding existing training on standards of conduct, such as predeployment and in‑mission induction training and awareness‑raising programmes. The expertise offered by the United Nations went a long way in strengthening national capacities to investigate and prosecute serious crimes, especially in the context of mutual legal assistance and 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”[[5]](#footnote-4).)

1. **Possible Solutions :**
2. Professional systems worked by trusted investigation experts to find specific information in any UN official, diplomat or political leader’s personal background or criminal files
3. Explore in the means of facilitating the possible use of information obtained from the UN for purposes of criminal procedures when it comes to crimes with a serious nature committed by UN officials, political leaders or diplomats.
4. Protection for victims or witnesses who provide information regarding crimes of a serious nature alleged to have been committed by either UN officials, diplomats or political leaders in general.
5. Support and assist in order to deeply improve the capacity of investigating certain cases related to the topic
6. Make sure that no action should be taken against any UN official, diplomat or political leaders when reporting on allegations regarding crimes occurring in their field
7. **Guiding questions :**
8. How can the Legal Committee ensure that political leaders are held accountable for their actions and crimes?
9. Where is \*my country\* positioned in this issue, did it encounter crimes from its political leaders, diplomats or UN officials?
10. Should political leaders be in jail for a certain amount of time, not at all or maybe permanently?
11. Do you think the past solutions have been effective in solving the issue regarding political leaders’ criminal accountability?
12. What were the actions previously taken by the ICC in order to solve the problem?
13. What can be an example of a political leader, UN official or diplomat who has committed a certain crime and was not held accountable for it?
14. **Useful links:**

<http://un.org>

*Un Treaties,* <https://treaties.un.org/Pages/CTCTreaties.aspx?id=3&subid=A&clang=_en>, consulted June 29th.

*Diplomatic immunity,*

<http://www.derebus.org.za/diplomatic-immunity-its-nature-effects-and-implications/> , consulted June 23rd.

*Criminal Accountability,* <https://www.un.org/en/ga/sixth/71/criminal_accountability.shtml> , consulted June 25th.

1. **Bibliography:**

*Slate,* <https://slate.com/news-and-politics/2010/04/how-far-does-diplomatic-immunity-go.html> , consulted July 2nd.

*On the issue of immunity for Heads of State at the ICC,* <http://www.saisjournal.org/posts/on-the-issue-of-immunity-for-heads-of-state-at-the-icc> , consulted june 23rd

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*Un Treaties,* <https://treaties.un.org/Pages/CTCTreaties.aspx?id=3&subid=A&clang=_en>, consulted June 29th.

*Diplomatic immunity,*

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1. *Not-for-profit-law*, <https://www.nfplaw.org.au/criminalconduct> , consulted on the 1st of July 2019. [↑](#footnote-ref-0)
2. UN.org, <https://www.un.org/en/ga/sixth/69/protection_of_diplomats/a71/qatar_e.pdf> [↑](#footnote-ref-1)
3. <https://www.hrw.org/reports/2007/nigeria1007/> [↑](#footnote-ref-2)
4. <https://www.hrw.org/reports/2007/nigeria1007/> [↑](#footnote-ref-3)
5. <https://www.merriam-webster.com/dictionary/extradition> [↑](#footnote-ref-4)