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Chair: International Criminal Court
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LETTER FROM THE CHAIR

Delegates,

As the specters of war, terror, and atrocity loom over markets in Syria, highways in Mexico, towns in Iraq, and public spaces across western Europe and the United States, our televisions, our smartphones, and our dinnertime conversations increasingly play host to phrases like “war crimes” and “crimes against humanity.”

In the name of the victims of war, society embarks on a quest for justice. The journey is a heart-wrenching one, oft disappointing and always imperfect. Society entrusts the courts with a solemn obligation: the preservation of the rule of law. The International Criminal Court represents a united mankind’s greatest attempt at finding justice for the victims of humanity’s most heinous acts.

Like all human institutions, however, the Court is an imperfect one. A product of the Western-dominated United Nations operating in the world of the Washington Consensus, the International Criminal Court has not, and, ceteris paribus, likely will not, consider the actions of Western actors as constituting violations of the Court’s founding Rome Statute.

We, however, will do what the Court has not. We will consider possible Rome Statute violations orchestrated or overseen by premier Western leaders. We will weigh all relevant facts and evidence concerning those alleged violations. We will, if applicable, punish those figureheads responsible for some of humanity’s most heinous actions.

The Office of the Prosecutor of the International Criminal Court will prosecute Ariel Sharon, Minister of Defense and Prime Minister of the State of Israel, for the Crime of Genocide under Article VI of the Rome Statute for the 1982 massacres at Sabra and Shatila in the Lebanese Republic. The Office of the Prosecutor will also prosecute Harold S. Truman, President of the United States of America, for War Crimes under Article VIII of the Rome Statute for the 1945 atomic raids on the Imperial Japanese Cities of Hiroshima and Nagasaki. Finally, the Office of the Prosecutor will
prosecute Anthony C. L. Blair, Prime Minister of the United Kingdom of Great Britain and Northern Ireland, for the Crime of Aggression under Article VIII bis of the Rome Statute for the 2003 invasion of the Republic of Iraq. I look forward to hearing the arguments presented for and against said individuals before the court.

Finally, I would like to introduce myself once again. I’m a junior at the University majoring in history. I’m involved in both Mock Trial and Model UN. This will be my third time volunteering at PMUNC, and I am incredibly excited for this committee, partly because the Court was the first committee I was ever involved in at PMUNC, and partly because I think you’ll find this committee to be substantially different (and more fun) than any other committee you’ve been a part of before.

Sincerely,

Elkhyn R. Rivas Rodriguez
“Until now, when powerful men committed crimes against humanity, they knew that as long as they remained powerful no earthly court could judge them,” wrote Kofi Annan, 7th Secretary General of the United Nations, upon the adoption of the Rome Statute of the International Criminal Court. “Now, at last, we shall have a permanent court to judge the most serious crimes of concern to the international community as a whole: genocide, crimes against humanity, and war crimes.”

Adopted on 17 July 1998, and coming into force on 1 July 2002, the Rome Statute established the International Criminal Court. The Court exists as a compliment to national judicial systems, reserving the right to investigate and prosecute four crimes – genocide, crimes against humanity, war crimes, and the crime of aggression – when national judicial systems prove incapable of or unwilling to do so. Additionally, the Court exercises jurisdiction when authorized by the United Nations Security Council. There is no statute of limitations for any of the aforementioned crimes.

The Rome Statute has been ratified by 124 states. Notable signatories (who have failed to ratify the Statute) include the Russian Federation, the State of Israel, and the United States of America. Notable non-signatories include the People’s Republic of China, the Republic of India, and the Republic of Turkey. The Court has opened investigations involving 10 nations. All but one, Georgia, lie within Africa. In two cases, those of Libya and the Republic of the Sudan, the United Nations Security Council has empowered the Court to act.

The Court has four organs. The Presidency of the International Criminal Court is responsible for the judicial administration of the Court, with the exception of the Office of the Prosecutor. The Registry is responsible for the non-judicial administration of the Court. The Office of the Prosecutor is responsible for the investigation and prosecution of crimes under the Court’s jurisdiction. Headed by the Chief Prosecutor, the Office of the Prosecutor launches an investigation when authorized by a state party, the United Nations Security Council, or a Pre-Trial Chamber of the Court. The fourth and
final organ of the Court, the Judiciary, is comprised of 18 judges, each of which originates from a state party to the Court. Said judges are subdivided into the Pre-Trial, Trial, and Appeals Divisions of the Court.

This year’s proceedings of the Court include the trials of Ariel Sharon, Harold Truman, and Anthony Blair. During each trial, six delegates will serve as members of the Office of the Prosecutor, six delegates will serve as members of the Defendant’s legal team, and six delegates will serve as Judges of the Court. Each delegate will have an opportunity, time permitting, to serve in all three roles. You will be made aware of which role you will serve in each trial later on in the background guide. Once you have reviewed your assignments, please conduct as much research as is necessary to adequately prosecute or defend the accused. You need not conduct research for a trial if you are slated to judge that trial; having as little awareness of the issues concerning a trial you judge will ensure you remain as unbiased as possible in determining the guilt of the accused.

For the Court’s proceedings, we will use an amalgamated set of rules and procedures. These rules and procedures are provided later on in the background guide. During each trial, the Office of the Prosecutor and the Defendant’s legal team will each call three witnesses to provide evidence supporting or refuting the allegations levied against the Defendant. As part of your research, you must consider which potential witnesses could be most beneficial to the case you hope to construct.

Please note that the trials of Messrs. Sharon and Truman will each feature a pre-trial motion. In each pre-trial motion, the Judges of the Court will hear arguments from the Prosecution and Defense in that case for and against, respectively, the Court formally requesting that the United Nations Security Council authorize the Office of the Prosecutor to open proceedings against the aforementioned individuals. For the purposes of our proceedings, the United Nations Security Council will vote as instructed by the judges of the Court. In each pre-trial motion, the Prosecution must convince the Judges of the Court that, as signatories who failed to ratify the Rome Statute, the State
of Israel and the United States of America are either incapable of or unwilling to prosecute their respective nationals. Though Messrs. Sharon and Truman are deceased, neither the Prosecution nor the Defense may use their deaths as an argument for or against their trial. If applicable, the Court will try Messrs. Sharon and Truman in absentia.
Note on Research

All delegates are expected to actively participate in and contribute to the Court’s discussions; researching the cases on the Court’s docket behooves all delegates. Historically, judging has favored those delegates who demonstrate outstanding command of the issues at hand, which can be demonstrated early on by providing tangible evidence, be it from media or literature, that supports one’s assertions during proceedings. You may not pre-write any material presented before the Court, including, but not limited to, opening and closing statements, direct and cross examination questions, and pre-trial arguments.

It is absolutely crucial that delegates read and understand the relevant sections of the Rome Statute before committee begins. You may download and view the most updated copy on the ICC committee page (where you downloaded this background guide). You are not expected to read the statute in its entirety, but an understanding of the first 20-30 pages will be extremely helpful.
TOPIC A: THE PROSECUTOR V. ARIEL SHANNON

Background

In the midst of Entente campaigns against the Ottoman Empire, the French Republic and the United Kingdom acceded to a partition of Ottoman Mesopotamia and the Levant, formalized in the Sykes-Picot Agreement of 1916. As per Sykes-Picot, and under the auspices of the League of Nations, the French established the French Mandate for Syria and the Lebanon in 1923. As required by the League, the Mandate would exist only as long as was necessary for the peoples within it to build effective institutions of self-government.

Historically and presently, the Levant is among the most diverse regions in the Middle East. In the Mandate-era State of Greater Lebanon alone, more than 18 major religious groups were represented, among them Sunni and Shia Muslims, Maronite Catholics, Greek Orthodox Christians, and Druze. Political sectarianism was present in the Greater Lebanon well before the Mandate. Upon Lebanon’s independence from France in 1943, Sunni Muslims and Maronite Catholics politically institutionalized that sectarianism through a gentlemen’s agreement termed the Lebanese National Pact. Under the Pact, the Presidency of the Republic would exclusively be held by a Maronite, the Prime Ministership by a Sunni Muslim, and the Parliamentary Speakership by a Shiite Muslim. Additionally, six of every 11 seats in the Parliament would be held by Christians.

The United Kingdom, like France, had developed its own League-sponsored Mandates in Mesopotamia and the Levant following the First World War. In parts of what had once been the Ottoman Vilayets of Beirut and Jerusalem, the British established the Mandate for Palestine. Even before the fall of the Sublime Porte and the dissolution of the Ottoman Empire, Palestine became

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1 “Sykes-Picot Agreement.”
the final destination of thousands of Jewish settlers inspired by Theodor Herzl and backed by the World Zionist Organization. From its inception, the Mandate for Palestine struggled to balance the demands of Arabs and Jews. Disagreements between the two groups often boiled over into violent conflicts, most notably during the Great Palestinian Revolt (1936-1939).

20,000 British troops fought alongside Zionist battalions and Palestinian collaborators to suppress the Revolt. The failure of the Revolt splintered Palestinian leadership, worsened rivalries between notable Palestinian families, and galvanized Palestinian nationalists, many of whom were convinced the British supported Zionist immigration and sought to realize the Jewish homeland promised in the 1917 Balfour Declaration. Zionists leaders, too, found themselves divided over the continued existence of the Mandate, with many convinced that British authorities sought to halt immigration altogether and renege on the Declaration after various Mandate commissions in the 1930s found Zionist immigration to be a primary driver of violence in the region and recommended its reduction or elimination.2

In 1947, Mandate authorities turned to the United Nations Special Committee on Palestine to examine the conflict in the region and determine a sustainable political and economic compromise between Palestinians and Jews. Acting on the Special Committee’s recommendations, the United Nations General Assembly approved U.N.G.A. Res. No. 181, which partitioned Palestine into an Arab and a Zionist state. Full-fledged civil war erupted shortly thereafter.3 Between 1947 and 1948, Egyptians, Iraqis, Palestinians, Jordanians, Syrians, and Zionists fought in what Israelis term the War of Independence and Palestinians al-Naqba (“the catastrophe”). On May 14, 1948, David Ben-Gurion, the head of the World Zionist Organization, proclaimed the State of Israel. The British Mandate for Palestine expired that same night. Ben-Gurion would unite the various Zionist militias

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2 “The Shaw Commission.”
into the Israel Defense Force (IDF); by that year’s close, Ben-Gurion’s Israel encompassed all lands allocated to Zionists under 181 and some 60% of those awarded to Palestinians. Around 700,000 Palestinians were displaced by the war, with many fleeing to the Lebanese Republic and Transjordan.4

In both independent Lebanon and its predecessors, politics were dominated by notable sectarian families. Among the most powerful of these families was that of Pierre Gemayel, who, in 1936, founded the Phalange Party, a rightist Maronite youth group styled after many of the fascist organizations that emerged in Europe in and around the 1930’s. A decade into its existence, political sectarianism began to weigh upon the Lebanese Republic. By the 1950’s, President Camille Chamoun had emerged as a challenge to Egyptian Gamal Abdel Nasser’s pan-Arabism. When Chamoun’s Sunni Prime Minister, Rashid Karami, and his supporters began to agitate for Lebanon’s entry into Nasser’s United Arab Republic (a political union between Egypt and Syria), Chamoun feared the collapse of his government. Chamoun hoped to use the small and largely ineffective Lebanese army to suppress demonstrations, but its commanders refused. Ultimately, Chamoun relied on both American marines (deployed by President Dwight Eisenhower after Chamoun expressed his fears of a Nasserite-linked communist insurrection) and the Phalange’s militias to restore order.

In 1958, Fuad Chehab succeeded Camille Chamoun as President of the Republic. His presidency ushered in a period of relative stability in Lebanon. Problems, however, were on the horizon. Hundreds of thousands of Palestinian refugees were living in southern Lebanon following al-Naqba and subsequent wars in and around Israel. Until 1970, Palestinian armed struggle for liberation against Israel was largely centered in Jordan, mostly under the banner of the Palestinian Liberation Organization (PLO). In September of that year, however, the Jordanian Hashemite

4 “Al-Nakba.”
monarchy moved to end the PLO’s semi-autonomous existence in Jordan (termed a “state within a state”) after the PLO attempted to overthrow King Hussein. In the ensuing civil war, King Hussein killed thousands of Palestinians and left tens of thousands more homeless. The PLO, by then led by Yasser Arafat, fled to Lebanon, where a weak Lebanese army allowed them to largely replicate the “state within a state” arrangement, especially in Palestinian refugee camps within and south of west Beirut, the Lebanese capital. Under the 1969 Cairo Accord, the Lebanese Army formally placed all United Nations Palestinian refugee camps in Lebanon under the control of the PLO. Even before the Accord, those refugee camps would play an instrumental role in the training and deployment of PLO fighters to use against Israel.

By the 1960’s, the Phalange, like many other political groups in Lebanon, had become avowedly anti-Palestinian. By 1980, the Phalange and other pro-Maronite, anti-Palestinian groups were forcefully coalesced into a political and military unit called the Lebanese Forces (LF). Meanwhile, Sunni Muslims allied themselves with Druze to form the Lebanese National Movement (LNM), led by Kamal Jumblatt. The LNM sought to end political sectarianism (Lebanon’s growing Sunni population exercised no more political power than they had before) and supported both Arab nationalism and the PLO. As the PLO increased its control over southern Lebanon, tensions flared with Shiite Muslims. Though they were among the country’s largest sectarian groups, the Shiite led increasingly marginalized existences. The influx of Palestinians in the south had forced many Shiite into Beirut’s shantytowns. Under the leadership of Imam Musa al-Sadr, many Shiite united to form the Movement of the Deprived, which sought to improve the overall position of the Shiite community. Imam al-Sadr, however, also supported the use of armed force to improve the

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5 British Broadcasting Corporation, “1970.”
6 “The Cairo Agreement.”
Movement’s goals. In 1975, he formed AMAL (“hope”), also known as the Lebanese Resistance Battalions (LRB), to serve as the militant arm of the Movement.

In the 1970’s, Maronites and the LNM increasingly came into conflict on issues ranging from sectarianism and nationalism to inequality and political economy. Civil war erupted after a shooting at a Maronite church by unknown gunmen and the slaughter of a busload of PLO guerrillas by Phalange fighters in West Beirut. In the coming days, the Phalange set up checkpoints across Beirut, harassing and sometimes killing Muslims and Palestinians on site. As sectarian violence intensified over the ensuing year, Muslims increasingly moved to West Beirut and Christians to the eastern part of the city in the hopes of escaping sectarian attacks.

Israeli involvement in Lebanon dates to at least 1968. As the PLO increasingly used Lebanon to host its anti-Israeli operations, the IDF turned to airstrikes and the assassination of Palestinian leaders in response. Between 1968 and 1974, the IDF violated Lebanese territorial integrity more than 15,000 times, largely through airstrikes and cross-border land campaigns, to launch reprisals against the PLO. By 1976, the IDF was sending arms, supplies, and advisors to Maronite militias.

The Syrian Arab Republic, too, played an important role at the conflict’s outset. In early 1976, hoping to assert increased control over the cause of the Palestinian diaspora and destroy the anti-Baath Muslim Brotherhood and Sunni Islamist cells based in Lebanon, President Hafez al-Assad deployed Syrian troops in Lebanon after receiving a formal request to do so from Lebanese President Suleiman Frangieh. Syrian troops were instructed to quash Palestinian and leftist elements in the ongoing civil war. In August of that same year, Maronite militias supported by the Syrian army successfully overran the defenses of Tel al-Zaatar, a refugee camp in East Beirut. These militias proceeded to massacre more than 1,000 Palestinian civilians.7

7 “Thousands of Victims of Tel Al-Zaatar Massacre Still Missing.”
By 1977, sectarian violence had largely abated, with Sunni and Palestinian militias largely in control of West Beirut and southern Lebanon. As early as 1976, Maronite and anti-Palestinian militias had begun to unite into the aforementioned Lebanese Forces, led by Bashir Gemayel. The Phalange would emerge as the dominant faction within the LF. By 1978, Palestinian attacks on Israel forced the Israeli government’s hand; hoping to disrupt PLO activities, the IDF invaded southern Lebanon, occupying almost all land south of the Litani River in the hopes of establishing a security zone. In the eight-month period following the implementation of a United Nations brokered cease-fire in southern Lebanon, the United Nations Interim Force in Lebanon reported that no acts of provocation against Israel had been launched by the PLO in Lebanon. Nonetheless, by late 1981, the IDF, acting under instructions from Minister of Defense Ariel Sharon, had developed plans for an invasion of West Beirut, headquarters of the PLO.

In June of 1982, a PLO rival, Abu Nidal, attempted to assassinate the Israeli ambassador to the United Kingdom. In response to the attack, the IDF bombed PLO targets in Beirut and the PLO fired rockets and artillery into northern Israel from southern Lebanon. As the cease-fire crumbled, Israeli Prime Minister Menachem Begin’s cabinet authorized Operation Peace for the Galilee, which would see IDF forces head north to establish a larger security zone that would leave Israeli lands entirely out of the range of PLO artillery. Prior to the cabinet authorization, IDF troops had already been ordered by Sharon and the Chief of Staff of the IDF, Rafael Eitan, to drive to Beirut, where they would implement Sharon’s 1981 plan to destroy the PLO.

Within days, and with Maronite support, the IDF had isolated PLO fighters in West Beirut, where repeated air campaigns had all but leveled PLO positions. In August, a ceasefire was brokered that called for the withdrawal of PLO and Israeli troops and authorized the deployment of American,

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8 MacAskill and Nelsson, “Mystery Death of Abu Nidal, Once the World’s Most Wanted Terrorist.”
9 “Israel Air Force In Operation Peace for the Galilee.”
French, and Italian marines to protect both PLO fighters and Palestinian civilians. PLO leaders and fighters were evacuated to Tunisia. Following the PLO’s exit, the multinational force remained in West Beirut to ensure the security of Palestinian civilians.

At the start of Operation Peace for Galilee (June 6, 1982), Eitan ordered that the Lebanese Forces not be allowed to participate in Israeli operations against the Palestinian Liberation Organization. Some ten days later, Israeli Prime Minister Menachem Begin’s Cabinet proposed that, upon reaching West Beirut, home to PLO headquarters, the Lebanese Forces, rather than the IDF, should engage the PLO within the city. The Cabinet did so, in part, in response to its belief that Israel’s Lebanese allies had failed to carry their weight in fighting against the PLO and that there existed thousands of anti-Israeli fighters inside the city.

On August 12th, a truce to halt fighting in West Beirut was reached. On August 21st, the first peacekeepers in the multinational force arrived. They remained in West Beirut until September 11th under orders to guarantee the safety of exiting PLO fighters and Palestinian refugees within the city. Elected President of the Republic on August 23rd, Bashir Gemayel, the leader of the Lebanese Forces and an Israeli ally, was assassinated on September 14th.10 His assassin was a Lebanese Christian working for the Syrian security services.

On the night following Gemayel’s death, Prime Minister Begin, General Eitan, and Minister Sharon, decided to invade West Beirut. They publicly stated their intention in mobilizing the IDF was to prevent chaos in the aftermath of Gemayel’s murder. Later, Sharon and Eitan met alone with Israeli Foreign Minister Yitzhak Shamir and agreed that the Phalange alone should enter Palestinian refugee camps. This was done in spite of the Phalange’s well-known hatred of Palestinians and the Maronite militias’ history of violence against Palestinian civilians, including the massacre at Tel al-Zaatar. Early in the morning of September 15th, the day after Gemayel’s murder, the Israeli army

10 “Timeline.”
entered West Beirut, breaching an agreement with the United States and the cease-fire, both of which prohibited the IDF from doing so. That same day, Sharon and Eitan met with other high-ranking Israeli military and security officers 200 meters away from the Shatila refugee camp. Small arms fire, according to the Kahan Commission (an inquiry established by the Israeli government to investigate the massacres at the Sabra and Shatila refugee camps), was directed at the building housing Sharon and Eitan’s meeting. This fire had largely subsided by the following day, September 16th.\textsuperscript{11}

By that same Wednesday, the IDF had successfully surrounded the camps and been instructed that they should only be entered by the Phalange. There are reports that, upon securing the area, Sharon and Eitan invited the Phalange militiamen, understandably agitated over Gemayel’s death, to enter the camps and told the Phalange that the PLO was behind Gemayel’s murder. Historically, Shatila was one of the biggest PLO fighter training camps. The Israeli leadership maintained without evidence that there remained at least 2,000 PLO fighters in the camp following its encirclement. Following the massacres, few weapons were found in the camps. Instead, hundreds of bodies, mostly those of young men who’d been tied up, were found in arrangements that suggested execution by firing squads. Of the militiamen who entered the camps, only two injuries were reported.

On the afternoon of September 16\textsuperscript{th}, Phalange militiamen were provided Israeli vehicles, weapons, and instructions on how to enter the camps. According to Sharon, he explicitly ordered the Phalange to refrain from harming Palestinians. By September 1\textsuperscript{st}, however, the IDF’s official newspaper had published an interview with a Phalange militiaman that explicitly expressed his intention to rape and kill, should he enter the camps. Separately, the United States expressed its fears to Israel that a Phalangist presence within the camps could lead to a slaughter. The slaughter at

\textsuperscript{11} “Final Report of the Israeli Commission of Inquiry into the Events at the Refugee Camps in Beirut.”
Sabra and Shatila began around six in the evening on September 16th. The IDF fired flares throughout the night over the camps to illuminate them. Just hours later, an Israeli Cabinet meeting included statements suggesting both an expected slaughter and fears that the Israelis’ stated reason for being in the camps – that is, to maintain order – would become unbelievable. Throughout the Phalange’s time within the camps, reports suggest that Israeli officials may have been aware of the massacres of women and children, in addition to men.\textsuperscript{12}

In a conversation with Morris Draper, an American diplomat, on September 16\textsuperscript{th}, Sharon responded to Draper’s fear that the IDF’s continued presence in West Beirut enabled the Phalange to massacre Palestinians by stating that the Israelis would kill them (the Palestinians) if the Americans preferred for the Lebanese not to do so.\textsuperscript{13}

On December 16\textsuperscript{th}, 1982, the United Nations General Assembly passed a resolution condemning the massacres at Sabra and Shatila as an act of genocide.

On February 8\textsuperscript{th}, 1983, the Commission of Inquiry into the Events at the Refugee Camps in Beirut, or simply the Kahan Commission, determined that Sharon bore personal responsibility, “For ignoring the danger of bloodshed and revenge…[and] not taking appropriate measures to prevent bloodshed.” No Israeli was found to be directly responsible for the massacres.\textsuperscript{14}

\textsuperscript{12} Ibid.
\textsuperscript{13} Anziska, “A Preventable Massacre - The New York Times.”
\textsuperscript{14} “Final Report of the Israeli Commission of Inquiry into the Events at the Refugee Camps in Beirut.”
Charges

The Office of the Prosecutor will prosecute Ariel Sharon, Minister of Defense and Prime Minister of the State of Israel, for the Crime of Genocide under Article VI of the Rome Statute.

Genocide is defined by Article VI as, “Any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: Killing members of the group; Causing serious bodily or mental harm to members of the group; Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; Imposing measures intended to prevent births within the group; Forcibly transferring children of the group to another group.”
Additional Reading

- Civil War in Lebanon, 1975-92, Edgar O'Ballance
- Final Report of the Israeli Commission of Inquiry into the Events at the Refugee Camps in Beirut, Yitzhak Kahan
- Israel's Wars: A History Since 1947, Ahron Bregman
- Pity the Nation: Lebanon at War, Robert Fisk
- Syria and the Lebanese Crisis, A.I. Dawisha
- The Sunni-Shia Conflict: Understanding Sectarian Violence in the Middle East, Nathan Gonzalez

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http://www.jewishvirtuallibrary.org/massacres-at-sabra-and-shatila
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http://news.bbc.co.uk/1/hi/world/middle_east/6932786.stm
http://www.ghazi.de/civwar.html
History

On November 24th, 1852, Admiral Matthew C. Perry left Norfolk, Virginia under orders from Millard Fillmore, 13th President of the United States of America, to pursue a trade treaty with Japanese authorities. An exercise in the same sort of gunboat diplomacy that had already benefitted the United States in the greater Pacific region, Perry’s mission reached Edo Bay on July 8th, 1853. There, he trained his ships’ weapons on the outskirts of Edo, the Japanese capital, and offered under threat of naval bombardment a letter broaching the question of a trade agreement to the Shogunate, the de facto autocracy ruling Japan from Edo in name of the Emperor.15

Perry’s first visit, and subsequent others like it, all but destroyed Sakoku, the island nation’s two-century old policy of national seclusion.16 Sakoku’s demise brought with an all-too-familiar series of invasive and unequal accords with foreign powers. Those accords gave birth to a radical xenophobia materialized in the Sonnō Jōi, a movement whose stated drive was to “revere the Emperor” and “expel the barbarians.” Though imperial authorities lacked the means of enforcing such an order without the consent of the Shogunate, in 1863, the Emperor ordered the expulsion of barbarians from the country, inviting attacks on foreigners and the Shogunate. Internal unrest and attacks on foreigners were met with foreign naval bombardments at Kagoshima and Shimonoseki. By 1867, the last Shogun, Tokugawa Yoshinobu, resigned his post in favor Meiji, of the newly-minted Emperor. The confiscation of Yoshinobu’s lands, coupled with talks of dissolving the title of Shogun, would usher in a period of warfare.

16 “Sakoku | National Isolation | Britannica.com.”
Between early 1868 and mid-1869, the Emperor, whose restoration to absolute power was supported by the western and southern provincial domains, fought a campaign to suppress the Shogunate and establish the unquestionable authority of the monarchy. The Emperor’s small but modern army would prove invaluable in securing military and political victories for the nascent ruler. In 1871, the Emperor dispatched the Iwakura Mission to renegotiate the unequal treaties with the West that had leveled the Shogunate and observe Western social, industrial, and economic systems.\textsuperscript{17} The Mission would fail to substantially renegotiate any agreement, but it would provide the knowledge that ushered in a modernization drive largely unparalleled in the Eastern hemisphere. Influential writers would prove instrumental in advancing a theory of modernization viewing military and economic power as inseparable.

The Greater Japanese Empire was formalized some twenty years after the Restoration on February 11, 1889, after the proclamation of the Constitution of the Empire of Japan.\textsuperscript{18} By the close of the century, imperial reforms had established a national currency, the Yen, a modern financial system, and a communications network, in effect creating an advanced capitalist economy. The Japanese Home Islands’ relative lack of natural resources necessitated a mercantilist economic system, whereby the Empire’s Asian neighbors provided raw materials and markets for the imperial economy.

The Empire’s dependence foreign resources, coupled with nationalism and xenophobia, demanded de facto, if not de jure, control of foreign lands. In the lead up to 1904, the Japanese would launch largely successful expansionist campaigns in Korea, Taiwan, and parts of Manchuria. In 1904, in response to concerns that the Russian Empire’s control of Port Arthur and centuries of

\textsuperscript{17} Nish,\textit{ The Iwakura Mission to America and Europe.}
\textsuperscript{18} “Excerpts from the Meiji Constitution of 1889.”
expansion in Siberia were evidence of an extant threat to Japan’s Korean dominions, the Japanese offered the Tsar recognition of his authority in Manchuria in exchange for his recognition of Japanese sovereignty in Korea. The Tsar’s refusal invited a Japanese assault on the Imperial Russian Navy at Port Arthur; it would be followed by continuous Japanese successes culminating in the American-brokered Treaty of Portsmouth.

The Japanese victory shocked the United States and European military powers, many of whom had held the military supremacy of the Great Powers as unassailable. The Treaty of Portsmouth, however, brought widespread unrest in Japan; many were outraged that the Treaty provided neither territorial rewards nor monetary reparations to the Japanese Empire. Such an outcome would have proven impossible for Nicholas II’s emissaries to negotiate without American backing. The war planted the seeds of discord in Japanese-American relations, with imperial authorities increasingly convinced that their economic needs and territorial ambitions could not coexist with those of an American Pacific empire whose influence had magnified following the defeat of Madrid in 1899, the victory in the Filipino-American War, and the modernization of the American Navy. It was this victory in war and defeat in peace that some historians consider an early catalyst of Japan’s involvement in the Second World War.

The First World War offered the Japanese additional opportunities for colonial expansion. With the help of their British allies, the Japanese successfully rested control of German colonial possessions in China and various islands across the Pacific by the close of 1915. In a show of their growing power, the Japanese even deployed a naval squadron in the Mediterranean for the express purpose of countering German submarine attacks on Allied shipping. Like the Russo-Japanese War

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19 “Treaty of Portsmouth.”
a decade-and-a-half prior, the war’s end engendered mistrust between the Empire and its Western powers. In one example, a push by the Japanese delegation to include a clause on racial equality in the League of Nations Covenant was rejected by several Western powers at Versailles. In another, Japanese troops, following a request from American President Woodrow Wilson and motivated by a national fear of Bolshevism, were dispatched to secure control of the Russian Far East, including the port at Vladivostok. Imperial Japanese troops were in control of large swathes of Siberia well after other Allied troops had fled the region following the defeat of the White Russian armies. American fears of grand Japanese designs over the Far East, however, led them to apply great pressure on the Japanese to vacate then-Soviet lands. This endless stream of rebuffs by Western powers increasingly isolated the Japanese. By the early 1920s, the Anglo-Japanese Alliance that had wedded the two empires together in common cause had lapsed.

As in Europe, the 1930s brought a shift toward totalitarianism and militarism, already powerful phenomena in the Empire, which featured a call for the continued expansion of the Japanese nation. The imperial military, governed by Army and Navy General Staffs reporting directly to the Emperor, birthed a nationalist coup in 1936. Even after the coup’s defeat and its supporters’ suppression, the General Staff remained convinced that the continued existence of a strong military was vital to the Empire’s territorial ambitions and would deliver the nation a resounding victory in a coming war. Under the leadership of right-wing nationalist thinkers like Sadao Araki, Japanese society developed a heightened reverence for the Emperor and his military. The Second Sino-Japanese War, which since 1937 had seen grueling total warfare between Japanese armies and the forces of Chiang Hai-Shek (and, to a lesser degree, his Communist allies led by Mao Zedong), catalyzed the development of a one-party state. Under the leadership of Prime Minister Fumimaro

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20 “4-7 The 2.26 Incident of 1936 | Modern Japan in Archives.”
Konoe, the Imperial Rule Assistance Association was formed in 1940 as an amalgamation of political parties that sought to form a statist national unity government to pacify the divisions between bureaucrats, politicians, and the military that had hampered the Japanese war effort in the Republic of China. In reality, the Association provided the right-wing Konoe the political power necessary to place the Empire on course for an unprecedented feat of territorial expansion.

Konoe’s colonial ambitions fell in line with those of the Japanese military-industrial complex. Economic giants including Mitsubishi, Mitsui, and Sumitomo feared that, without it, a shortage of raw materials would hamper their expansion. The Greater East Asia Co-Prosperity Sphere, the formal name of the Japanese expansionist program, sought to maintain Japan’s extant spheres of influence, acquire new raw material deposits, and secure access to additional markets for Japanese exports. As the global depression hampered the imperial economy, the Japanese found themselves more dependent than ever on American iron, rubber, and oil exports to maintain their economy. The Manchurian invasion was the first step in a long line of acquisitions that the Japanese hoped would jump-start and secure the independence of the imperial economy.21

In 1940, the Japanese – in the hopes of severing China’s access to the outside world – invaded and seized control of French Indochina. In China, the Japanese instituted the “Three Alls,” a policy that called for the killing, burning, and looting of all around them. The Indochinese invasion, coupled with the earlier Japanese attack on the USS Panay and wartime atrocities across China like the Massacre at Nanking, turned American popular opinion against the Japanese. In response, the United States embargoed the sale of “strategic materials,” including metals and oil, to the Japanese. Without American exports, and resolutely against abandoning the war effort in the

21 Mt. Holyoke University, “JAPANESE CONQUEST OF MANCHURIA 1931-1932.”
Chinese Republic, the Japanese set their sights on control of British and Dutch possessions in Southeast Asia. On September 27, 1940, in a grand rebuke of its once allies, the Japanese Empire signed the Tripartite Pact with the German Reich and the Kingdom of Italy.  

As the Japanese moved to establish the Greater East Asia Co-Prosperity Sphere, military and political elites began to note the growing inevitability of war with the United States. By 1940, Australia, United Kingdom, and the Dutch government-in-exile had joined the United States in their boycott of metal and oil sales to the Japanese Empire. At the moment of the embargo, 80% of Japanese oil demands were being met by foreign imports. By April of 1941, the Japanese Imperial General Headquarters began preparations for a war with its Western neighbors. In doing so, the Japanese hoped to secure key economic resources in Malaya and the Dutch East Indies; in order to establish a defensive perimeter around the Co-Prosperity Sphere, the Japanese would also seize American positions at Guam, the Philippines, and Wake Island. Their success, the Japanese believed, would hinge on their ability to disable the United States Pacific Fleet, anchored at Pearl Harbor on Oahu, Hawaii. With American naval operating capacity vastly reduced, the Japanese would be able to consolidate control over their newfound acquisitions and sue for peace with the United States thereafter. Even in the series of invasions and assaults’ earliest planning phases, the Japanese were well-aware that they could not fight a sustained total war against the United States – they lacked the resources and industrial capabilities to do so. Rather, they hoped to follow the model of limited war that had brought them success in earlier campaigns against the Chinese and the Russian Empire.

On December 7th, 1941, the combined forces of the Imperial Japanese Armies and Navies commenced military operations in and around Guam, Hong Kong, Malaya, Oahu, the Philippines,

22 "The Tripartite Pact Is Signed by Germany, Italy, and Japan - Sep 27, 1940 - HISTORY.com."
and Thailand. By the early months of the following year, the Co-Prosperity Sphere would envelop Bali, Burma, the Dutch East Indies, Papua, Singapore, and Timor. In doing so, the Japanese invited the hostilities of the United States, the United Kingdom and its Dominions, and the Netherlands. At Pearl Harbor, the Japanese would fail to realize the most important of their objectives: destroying or disabling any of the American aircraft carriers deployed around the Pacific Rim; instead, the attack destroyed four American battleships and disabled four more; while naval tacticians since Alfred Thayer Mahan, the father of the modern American Navy, had hypothesized that a naval war would be won on the back of battleships, the loss of America’s own would have few, if any, long-term consequences for the capabilities of the United States Pacific Fleet.

By mid-1942, the Imperial Japanese Armies and Navies controlled a vast terrestrial and maritime empire. That empire, however, would prove unwilling to lend itself to the defensive arrangement the Imperial General Headquarters had envisioned. In May 1942, reeling from the Doolittle Raid, a daring (and strategically insignificant) American bombing raid on Tokyo that showed the weaknesses in Japanese air defenses, the Imperial Japanese Navy launched an attack on Port Moresby, on the island of Papua, in the hopes of isolating Australia. In the ensuing Battle of the Coral Sea, they lost one aircraft carrier and suffered extensive damage to another. While American losses were more significant than those of the Japanese, the Coral Sea marked a point of no return for imperial forces – after the battle, the Japanese would find their industrial capabilities wholly unable of replenishing losses to their fleets.

On June 4th, American and Japanese forces engaged one another for control of Midway Atoll. There, American forces would destroy all four of the imperial navy’s carriers, killing thousands.

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23 Campbell, “Pearl Harbor Wasn’t Only Surprise Attack That Day.”
24 “Doolittle Raider Remembers on 75th Anniversary - CNN.”
of highly trained Japanese sailors and aviators in the process – it was a loss from which the Japanese would never recover. From June 1942 onwards, the Japanese would fight a largely defensive, albeit merciless, war against American Marines, aviators, and sailors.26

In the Japanese military, American troops found among the most brutal of adversaries they’d ever encountered. In just four major battles (Guadalcanal, Leyte, Iwo Jima, and Okinawa), 37,600 American soldiers would die alongside nearly 197,000 Japanese troops. As early as 1942, Japanese combatants began to engage in the famed Banzai charge, where troops armed only with rifles and swords would engage in offensive charges on American positions that frequently featured automatic and semi-automatic defenses. From their earliest appearance, the Banzai had dubious tactical benefits. Likewise, American soldiers would become all too familiar with the kamikaze, suicide assaults on American vessels that used whole aircraft as navigable missiles, after mid-1944. All told, thousands of Japanese airmen would die by kamikaze, yet only 20% of them would successfully strike an enemy vessel or position. That imperial authorities could move so many men to engage in so many acts of self-sacrifice was made possible by a widespread propaganda campaign throughout the Japanese Empire’s period of colonial expansion and subsequent warfare that romanticized such attacks, often tying a soldier’s honor and duty to his willingness to die for the Empire.

Brutality on the battlefield aside, the Japanese would employ among the 20th century’s harshest treatments of non-combatants (as defined by the Hague Convention) and prisoners-of-war. In attacking military and civilian positions around the Pacific Rim on December 7th and 8th, 1941, the Japanese waged unlawful acts of war on neutral states as no legal state of war existed between the Japanese Empire and the nations subject to said acts of aggression. Between 1937 and 1945, it is

26 United States Navy, “Naval Warfare History – Battle of Midway.”
estimated that between three and 10 million non-combatants and prisoners-of-war would die at the hands of imperial authorities; some 300,000 of them would die in the Massacre at Nanking alone. Nearly 100,000 would die in the famed Bataan Death March of American and Filipino forces in 1942. That same year, Japanese forces massacred hundreds of wounded British soldiers, doctors, nurses, and other patients in the Alexandra Hospital Massacre during the Battle for Singapore.

Imperial forces were also the willing perpetrators of numerous forced medical experiments. Unit 731, for example, conducted live dissections, amputations, and biological poisoning of Chinese prisoners-of-war. The Unit may have killed 3,000 persons on its own. In the waning days of the Pacific war, the Japanese even considered deploying a weaponized form of the Bubonic Plague within San Diego, California. Forced labor, prisoner execution, cannibalism, rape, and theft were all too common during (and prior to) the Sino-Japanese and Pacific wars, as well.

The United Kingdom launched a formal program to develop a nuclear weapon in June of 1940. Led by Wallace Alkers, the project, codenamed “Tube Alloys,” eventually became part of a more robust effort, the American-led “Development of Substitute Materials,” better known today as the Manhattan Project. The effort ultimately encompassed more than 130,000 personnel from the United States, the United Kingdom, Canada, and other foreigners, including a sizable number of German nationals. J. Robert Oppenheimer, the scientific lead for the project, delivered a working device detonated at the Alamogordo Bombing and Gunnery Range on July 16th, 1945. In late 1943, the United States Army Air Force began modifying a series of B-29 bombers to deliver a nuclear payload. Under American President Franklin Roosevelt’s command, Major General Leslie Groves,

27 “Bataan Death March - World War II - HISTORY.com.”
28 Mt. Holyoke University, “Unit 731: Overview.”
29 “‘Tube Alloys.’”
the military lead for the Manhattan Project, was made aware that nuclear weapons would be
dropped on German positions should a usable weapon be developed prior to Germany’s surrender.

As the war neared its end, and especially following the defeat of the Axis in the Western
Hemisphere, Fleet Admirals Chester Nimitz, Ernest King, and William Leahy, along with Generals
of the Army Douglas MacArthur, George Marshall, and Hap Arnold, were tasked with planning
Operation Downfall, the Allied invasion of the Japanese Home Islands. Downfall featured two
phases – Olympic and Coronet – whereby the United States and its allies would undertake the
largest amphibious operation in human history to establish control over the southern third of the
Home Island of Kyūshū (Olympic) beginning in November of 1945, to be succeeded by a landing
on the Kantō Plains outside of Tokyo (Coronet).\(^{30}\)

In preparing for Downfall, American military planners anticipated combat with imperial
military forces and their civilian and militia sympathizers. It was further assumed, however, that
American and Allied forces would outnumber Japanese combatants by a 3:1 ratio at the onset of
Olympic. In fact, the United States’ British and Dominion allies would provide substantial support
for Downfall. Casualty numbers for the combined Allied-American force were naturally expected to
be high when accounting for civilian resistance, but no government nor body within the Allied
Powers had a reasonable degree of certainty in determining just how high they might climb (historic
estimates range from 70,000 to half a million troops).

President Roosevelt died on April 12th, 1945, in Warm Springs, Georgia. He was
immediately succeeded by Vice President Harold Truman, at which point the newly-minted
President was made aware of a covert American initiative to develop an atomic weapon. In April of

\(^{30}\) United States Army, “Chapter 13: ‘DOWNFALL’- The Plan for the Invasion of Japan.”
1945, Major General Groves was asked to nominate potential Japanese targets for the use of a nuclear weapon. Five targets were selected based on several criteria, among them two: that the target should lie within an important and populated urban area; and that the target should be one where a blast would cause “effective” damage to its surroundings. Furthermore, General Groves’ Target Committee was committed to selecting targets that would wreak great psychological impact on the Japanese nation and that could demonstrate the immense power of the weapon (and its progenitor nation) to the international community. Among the targets nominated were Hiroshima and Kyoto (which was switched out some weeks later in favor of Nagasaki). In late May, proposals were presented to the Interim Committee, the American body tasked by President Truman with advising on matters of nuclear energy, that would have offered the Japanese a demonstration of the atomic bomb in a non-combat arena, so as to allow for capitulation before its use. The Committee rejected the proposals on the grounds that such a demonstration would diminish the element of surprise associated with use of the bomb and, thus, its psychological impact on the Japanese. Similar proposals were rejected in the following days.

Sometime near the end of July, President Truman authorized the use of nuclear weapons over the Japanese Home Islands. At the time of the bombing, Hiroshima was a major industrial and military center. It hosted command of the Second General Army, much of which was stationed on Kyūshū in anticipation of an Allied invasion. Estimates placed 40,000 Japanese troops inside the city. Its industrial facilities produced parts used in aircraft, ships, and weapons. Approximately 350,000 Japanese lived in the city. On August 6th, the Enola Gay dropped the Little Boy over Hiroshima. Detonating some 2,000 feet above the city, and directly over a hospital, the weapon’s blast consumed the city and its inhabitants in a massive firestorm, destroying almost everything.

31 “The Interim Committee.”
within a one mile radius. 30% of the city’s population (roughly 80,000 people, including up to 20,000 military personnel) was killed in the immediate aftermath. Tens of thousands more would die in the coming days, months, and years. Imperial Japanese authorities ignored demands for surrender and, after consultations with atomic physicists, decided that there could be no more than two additional American atomic weapons in existence, which in turn would justify their refusal to surrender. On August 9th, American forces targeted Nagasaki in a second nuclear strike. Estimates place 260,000 people, including some 10,000 Japanese troops, in the city at the time.33

On August 14th, 1945, Emperor Hirohito announced the surrender of the Empire of Japan upon receiving tacit confirmation that the monarchy would be left unperturbed. The following day, he gave the three catalysts that had driven his government to accept American terms unconditionally: the belief that Tokyo’s defenses would not be complete before an American invasion of the Kantō Plains, the loss of the religiously significant Ise Shrine, and the American atomic bombings.

In 1944, the United States Strategic Bombing Survey was formed by Secretary of War Henry Stimson to evaluate the effectiveness of Allied strategic bombings in the European theater. Following the atomic bombings, the Survey was tasked with evaluating the same in the Pacific campaign. After interviewing hundreds of Japanese civilian and military leaders, the Survey concluded, “It is the Survey’s opinion that certainly prior to 31 December 1945, and in all probability prior to 1 November 1945, Japan would have surrendered even if the atomic bombs had not been dropped, even if Russia had not entered the war, and even if no invasion had been planned or contemplated.”34 They cited American air superiority over the Home Islands as both eliminating

32 “Hiroshima: Before and After the Atomic Bombing - The Atlantic.”
33 “Photos of Nagasaki Reveal Devastating Aftermath of 1945 US Atomic Bomb | The Independent.”
34 “United States Strategic Bombing Survey: Summary Report (Pacific War).”
the necessity for American invasion and exerting sufficient pressure on the Japanese to force an unconditional surrender. Upon learning of plans to drop nuclear weapons in Japan, Supreme Allied Commander General Dwight Eisenhower also questioned Secretary Stimson on the efficacy of using atomic weapons, believing their use had been rendered unnecessary by the Japanese Home Islands’ state of economic and social disarray. Aside from General Eisenhower, General MacArthur, Admirals Leahy (by then Chief of Staff to the President) and Nimitz, and Major General Curtis LeMay (head of aerial operations against the Home Islands) also questioned the necessity of the bombings. Admiral Leahy believed a Japanese surrender was imminent considering American conventional bombings and the naval blockade of the Home Islands. Decades later, American Secretary of Defense Robert McNamara recalled a statement made by General LeMay, in which LeMay argued that, had the United States lost the war following Hiroshima, American political and military elites would have been prosecuted as war criminals. McNamara assented to LeMay’s conclusion. The bombings have also been labeled, “A policy of indiscriminate murder to shorten the war,” “The indiscriminate destruction of civilian life and property,” illegal under the Hague Draft Regulations on Land Warfare of 1907 and the Hague Rules of Air Warfare of 1922-1923, “A manifest infraction of international law,” “Gratuitous at best and genocidal at worst,” “Among the most unspeakable crimes in history,” an act of “state terrorism,” and, “An act of wholesale, indiscriminate massacre.”
Charges

The Office of the Prosecutor will prosecute Harold S. Truman, President of the United States of America, for War Crimes under Article VIII of the Rome Statute.

War Crimes are defined by Article VIII as, “Grave breaches of the Geneva Convention of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention: Willful killing; Torture or inhuman treatment…Willfully causing great suffering, or serious injury to body or health; Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly…Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts: Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities; Intentionally directing attacks against civilian objects, that is, objects which are not military objectives…Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury in civilians or damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated, killing or wounding a combatant who, having…no longer means of defense, has surrendered at discretion…intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives…Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials, or devices…Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive
prohibition...Committing outrages upon personal dignity, in particular humiliating and degrading treatment.”
Additional Reading

- *Britain and Atomic Energy, 1935-1945*, Margaret Gowing
- *Manhattan: The Army and the Atomic Bomb*, Vincent Jones
- “The Decision to Drop the Atomic Bomb,” Theodore H. McNelly
- *The Economics of World War II: Six Great Powers in International Comparison*, Mark Harrison
- *The Making of Modern Japan*, Marius B. Jansen
- http://www.iun.edu/~hisdcl/G369_2002/japanese_imperialism.htm
- https://history.hanover.edu/texts/1889con.html
- http://www.anesi.com/ussbs01.htm *(United States Strategic Bombing Survey Summary Report)*
- https://www.britannica.com/event/Meiji-Restoration
- http://www.hiroshimacommittee.org/Facts_NagasakiAndHiroshimaBombing.htm
- https://www.fourmilab.ch/etexts/www/effects/
History

Between 1980 and 1988, the Republic of Iraq and the Islamic Republic of Iran fought among the deadliest and most destructive regional conflicts the Middle East had seen in decades. Hoping to cement its role as the premier power in the Gulf, fearing that the Iranian Revolution would spread within its own borders, and determined to assert control over lands it claimed were its own, the government of Iraq under the administration of Saddam Hussein invaded Iran on September 22nd. Though militarily inconclusive, the war had profound implications for the geopolitical realities of region. Among the most important was that, throughout the course of the war, both within and without Iraq, the Hussein administration showed itself willing to use chemical weapons against foreign and domestic opponents and bystanders. Chemical attacks on Iranian military units are as well-documented as those on dissident ethnic groups within Iraq (among them the Kurdish people) and Hussein’s own soldiers.35

On August 2, 1990, the armed forces of Iraq invaded the Sheikhdom of Kuwait.36 That same day, the United Nations Security Council issued U.N.S.C. Res. No. 660, condemning the invasion and demanding Iraqi forces return the international border demarcated prior to August 2nd.37 Nearly four months later, and dismayed by the continued presence of Iraqi military units within the Sheikhdom, the Security Council issued Res. No. 678, which again demanded Iraq withdraw to pre-invasion borders and, “Authorize[d] Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implement[ed], as set for in [660]…to use all

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35 Wright, “Iran Still Haunted By Chemical Weapons Attacks | TIME.com.”
36 Gordon and Times, “Iraq Army Invades Capital of Kuwait in Fierce Fighting.”
necessary means to uphold and implement resolution 660...to restore international peace and
security in the area.”

On January 15th, the National Security Council of the United States produced Directive 54,
titled “Responding to Iraqi Aggression in the Gulf.” The document declared access to Gulf oil and
the defense of allied states to be matters of United States national security. Pronouncing Iraqi
interests wholly incompatible with those of the United States, 54 authorized American military
forces to pursue the military withdrawal of Iraqi troops from Kuwait, the restoration of the Kuwaiti
royal family to power, the defense of the Kingdom of Saudi Arabia and other members of the Gulf
Cooperation Council, and the destruction of Iraqi weapons of mass destruction and the means by
which to produce them. Perhaps most importantly, 54 declared, “Should Iraq resort to using
chemical, biological, or nuclear weapons, be found supporting terrorist acts against U.S. or coalition
partners anywhere in the world, or destroy Kuwait’s oil fields, it shall become an explicit objective of
the United States to replace the current leadership of Iraq.”

The First Persian Gulf War concluded on February 28, 1991, with the expulsion of the Iraqi
armed forces from Kuwait. Throughout the war, President Hussein had revealed himself to be a
volatile commander, willing to order military attacks not only on coalition troops and Kuwaiti
civilians but also on Saudi Arabia and the State of Israel (Iraq frequently fired SCUD missiles at both
nations, to which the United States responded by deploying MIM-104 PATRIOT anti-missile
batteries). In August 1990, the United Nations deployed a concerted sanctions regime against Iraq.40
It was levied for the express purposes of removing Iraq from Kuwait, to ensure the payment of
reparations to parties harmed by Iraqi aggression, and to locate and destroy all weapons of mass

40 Global Policy Forum, “Sanctions Against Iraq.”
destruction existing or under development in Iraq. Following the conclusion of the war, the United Nations expanded the sanctions regime, which banned nearly all trade with Iraq, and issued a series of demands (U.N.S.C. Res. No. 687) by which a post-war Iraq was expected to abide. Among other demands, 687 required the Iraqi government to disclose the number and location of all chemical and biological weapons (along with most of its ballistic missiles) existing or under development to international weapons inspectors operating under the newly-formed United Nations Special Commission, and, if nuclear in nature, the International Atomic Energy Agency, for inspection and removal. 687 concluded by stating, “[The Security Council] Decides…to take…further steps as may be required for the implementation of the present resolution and to secure peace and security in the area.”

The Special Commission encountered resistance from the Iraqi government to its efforts almost from the beginning of its tenure. Within its first years of existence, only the threat of American military action against his regime moved Saddam Hussein to allow inspectors unimpeded access to begin their work. By 1995, the Special Commission had encountered evidence of a robust biological and nuclear weapons development scheme; Iraqi microbiologists detailed numerous initiatives that had successfully produced, among others, anthrax and ricin. Under the argument that the Special Commission was a front for American intelligence efforts, the Iraqi government refused the Commission access to numerous facilities, violating the Commission’s legally mandated freedom of movement and access. In December of 1998, weapons inspectors, citing non-compliance by the Iraqi regime, withdrew from the country; their withdrawal was followed by Operation Desert Fox, a joint Anglo-American military air campaign conducted over the course of four

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41 “Resolution 687 (1991).”
42 Council on Foreign Relations, “IRAQ.”
days against much of Iraq’s military infrastructure.\footnote{British Broadcasting Corporation, “Desert Fox 16-19 December 1998.”} Reporting to the Security Council, the Special Commission detailed a history of resistance to its efforts by the Iraqi government; curiously, however, the International Atomic Energy Agency, under whose purview Iraq’s nuclear programs fell, reported that the Iraqi government had largely cooperated with its own inspectors. The disagreement between the two inspecting bodies would lead to questions about the impartiality of the Special Commission and the validity of its reports.

As the Special Commission’s legitimacy floundered, the Iraqi government refused to allow its inspectors to return to Iraq and continue their work. One year following Desert Fox, the United Nations replaced the Special Commission with the United Nations Monitoring, Verification and Inspection Commission. Though its mission formally began in December of 1999, the Inspection Commission was not permitted access to Iraq until November of 2002, some 14 months after the September 11\textsuperscript{th} attacks. Hussein’s capitulation to the Inspection Commission came about as a result of U.N.S.C. \textit{Res. No. 1441}, which declared Iraq in violation of 687 with respect to its programs concerning weapons of mass destruction, among other breaches.\footnote{“Resolution 1441 (2002).”} Upon returning to Iraq, Inspection Commission members visited sites suspected to be linked to the development of such weapons, but the Commission found no evidence, with the exception of the existence of 18 chemical rockets, that substantiated fears Iraq was developing weapons of mass destruction.

In December of 2002, Iraq submitted a mandated weapons declaration to the United Nations. After reviewing the report, Hans Blix, the head of the Inspection Commission, told the Security Council that, while the declaration was comprehensive (it was more than 12,000 pages long) and inspectors had found little evidence of extant weapons of mass destruction, Iraq had a history of
misleading weapons inspectors and had failed to account for weapons whose existence had been known by the Special Commission in 1998 (Hussein’s administration claimed the weapons had been destroyed after the Special Commission’s departure). Tests conducted by the Inspection Commission at sites that the Iraqi government claimed had been used to dispose of weapons stockpiles did not show evidence weapons had, in fact, been destroyed there, further casting doubt on the Iraqi government’s statements.

By late 2002, the Security Council, and especially the United States and United Kingdom, had grown increasingly apprehensive towards Iraq after Blix reported that Hussein’s government had informed him more than 1,000 tons of VX gas, a deadly nerve agent, had been misplaced and could not be located. In response to the VX crisis and other concerns, the United States requested that the Security Council convene to discuss means by which to bring about Iraq’s full compliance with 687 and 1441. Military intervention in Iraq, not explicitly prohibited by either resolution, was thus placed on the proverbial table.

On October 16, 2002, the United States Congress passed the “Authorization for Use of Military Force Against Iraq Resolution of 2002.” The Iraq Resolution, as it is colloquially known, cited numerous factors justifying an American military intervention against the Republic of Iraq, including: non-compliance and interference with weapons inspections; continued possession of and efforts to develop weapons of mass destruction; Iraq’s historic willingness to use weapons of mass destruction against its opponents; the continued presence of individuals tied to the September 11th attacks and al-Qaeda within Iraq; the United States government’s constitutional obligation to defend the nation from foreign and domestic threats; and Iraq’s repression of its civilian population and

numerous affronts to democracy within its own borders. From October 16, 2002, onwards, “The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by Iraq; and enforce all relevant United Nations Security Council resolutions regarding Iraq.”

Throughout the post-September 11th period, President George W. Bush was unequivocally supported by Labour Prime Minister Anthony C. L. Blair. The attacks in New York, Pennsylvania, and Washington, D.C. were met with condemnation and statements of solidarity by, among others, the Presidency of the French Republic, the Chancellorcy of the German Federal Republic, and the Prime Ministership of the United Kingdom of Great Britain and Northern Ireland. The support offered to the United States by President Chirac and Chancellor Schröder, however, was not an unconditional; 14 months after the attacks, it would be the German and French delegations at the United Nations leading the international bulwark against the Bush Administration’s increasingly hawkish intentions against Saddam Hussein’s government. Tony Blair, however, was of a different mentality; from his September 11th promise to stand shoulder-to-shoulder with Britain’s American allies, Blair followed the United States loyally as it moved to realize its unilateral agenda in Iraq. On that same day, at an intelligence briefing with MI5 and MI6 officials, Blair was informed that the attacks had likely been perpetrated by a non-state actor, al-Qaeda, operating out of Afghanistan, without the assistance of a foreign government.

Bush declared Iraq part of an “Axis of Evil” in January 2002. As early as February of that year, Blair found himself torn between his transatlantic ally’s plans for war (Bush and Blair enjoyed a deeply

48 “Blair Had Qualms on Iraq War, but Promised Bush Support ‘Whatever.’”
personal relationship) and a growing number of Labour MPs opposed to intervention in Iraq, especially one not sanctioned by the Security Council. As early as April of 2002, Blair may have discussed a military invasion of Iraq with the President Bush at the Bush family’s enclave in Texas. From then on, Blair’s administration became committed to finding the means with which to convince the Parliament of the United Kingdom and the greater United Nations of the necessity to invade Iraq and remove Saddam Hussein.

Of the 19 hijackers who participated in the September 11th attacks, none came from outside of Saudi Arabia or Egypt. When reports that Mohammed Atta, the lead hijacker, had met with a known Iraqi intelligence officer in the Czech Republic, however, American Vice President Richard B. Cheney took to U.S. media, where he pointed to the meeting as evidence that the Iraqi government had provided material support to the Iraqi government. Working with the United States, it was ultimately Tony Blair’s British diplomatic corps that successfully convinced the United Nations Security Council to pass 1441. While they had won a diplomatic victory in convincing the Council to issue Iraq a “final warning” of sorts, the Anglo-American mission also had to provide conclusive evidence that there still existed or there were efforts to create weapons of mass destruction in Iraq. Relying on the testimony of largely dissident Iraqis whose only hopes of returning to Iraq lay in the removal of its executive, the Blair administration reviewed and then presented a report to Parliament which purported that a vast weapons program (one that included a nuclear objective) was still underway in Iraq as of September 2002. Around that time, the British government issued a report that Iraq had weapons of mass destruction capable of deployment within 45 minutes. By the beginning of 2003, the United States and the United Kingdom had largely assembled and positioned the forces that would take partake in the Iraqi invasion two months later.
Though in early 2003, the Bush and Blair administrations had successfully convinced a
preponderance of citizens in both America and Britain that that Saddam Hussein’s regime posed a
serious threat to world peace, the men still lacked the support necessary for military action against
Iraq. While a third of Britons supported unilateral military action against Hussein, two thirds of U.K.
citizens declared themselves willing to support an invasion only if the United Nations should
authorize it. By that point in the year, however, France, a permanent member of the Security
Council, had disavowed a United Nations-backed military operation. Opposition to military actions
that were moving farther away from the multilateral center their progenitors had hoped erupted
across the globe, and especially in cities like New York and London. Divisions were showing in
Blair’s Cabinet, too, where two of its members declared themselves staunchly against war if it came
without United Nations approval. When the Attorney General of the United Kingdom, Peter
Goldsmith, was asked to opine on the legality of an invasion, Goldsmith toed a middle and
ultimately indecisive line concerning 1441. He was then instructed by Blair to abandon evaluations
of the legality of military action altogether; some days later, Goldsmith proclaimed a military course-
of-action against Saddam Hussein’s Iraq legal.

Following growing discontent within his own Labour and several resignations from the
Government, Tony Blair addressed Parliament on March 18, 2003. Citing more than a decade of
Iraqi obstruction and obfuscation concerning its weapons program, and declaring its December
2002 weapons declaration to be patently false, he argued that Saddam Hussein was in material
breach of his obligations as specified by 1441 and 17 previous Security Council resolutions
concerning the matter. The Prime Minister then chastised the French Republic’s support for 1441
but refusal to back a Security Council resolution authorizing military intervention as a, “Demand to
disarm,” without, “Any concept of a threat of [Iraq] doesn’t.” Stating that Saddam Hussein could be
moved only by the threat of force, Tony Blair elevated the threat posed by the Iraqi President to a level eclipsing even al-Qaeda. He then stated, “I have come to the conclusion…that the greate[st] danger to the U.N. is inaction…to pass…1441 and then refuse to enforce it would do the most deadly damage to the U.N.’s future strength, confirming it as an instrument of diplomacy but not of action, forcing nations down the very unilateralist path we wish to avoid.”

In paternalistic fashion, then, Blair had declared that the only means by which multilateralism could be preserved was through a unilateral military undertaking supported by few.

On March 17th, President Bush addressed the world, saying, “Saddam Hussein and his sons must leave Iraq within 48 hours – their refusal to do so will result in military conflict at a time of our choosing…No act of [Hussein’s] can alter the course or shake the resolve of this country…We will not be intimidated by thugs and killers…We are acting now because the risks of inaction would be far greater.”

The following day, Blair won Parliamentary support for supporting an American invasion of Iraq. Though the March 18th vote was purely symbolic (the Royal Prerogative vested in the Crown and exercised by Prime Ministership grants the authority to the Prime Minister to commit British military forces to any military endeavor at any time), Tony Blair’s request to begin military operations against Saddam Hussein was approved by a vote of 412 to 149 MPs with 94 abstentions.

Baghdad fell to American military forces on May 1, 2003. Less than one month later, the British Broadcasting Corporation released a report questioning the government dossier alleging Hussein had access to weapons of mass destruction capable of deployment within 45 minutes. The source behind the B.B.C.’s report, a British weapons expert named David Kelly, was revealed as the leak

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49 “Full Text: Tony Blair’s Speech | Politics | The Guardian.”
50 Borger, “Bush Gives Saddam and His Sons 48 Hours to Leave Iraq | World News | The Guardian.”
sometime later, he subsequently died under mysterious circumstances labeled a suicide.\textsuperscript{51} Saddam Hussein Abd al-Majid al-Tikriti was captured on December 13, 2003. He was tried for crimes against humanity by the Iraqi Interim Government. On November 5, 2006, he was convicted of crimes against humanity for the murder of 148 Iraqi Shiites in 1982. He was hanged on December 30, 2006. The campaign against Saddam Hussein and the subsequent War in Iraq has claimed tens, if not hundreds, of thousands of Iraqi non-combatant lives. Estimates of violent deaths range from as few as 87,000 to in excess of 1,000,000 among civilians alone.

Announced by Prime Minister Gordon Brown in 2009, the Iraq Inquiry (colloquially known as the Chilcot Inquiry after its chairman, Sir John Chilcot) was created for the purpose of evaluating the United Kingdom’s role in the Iraq War.\textsuperscript{52} Published on July 6, 2016, the Iraq Inquiry concludes, among other things: 1) “The U.K. chose to join the invasion of Iraq before the peaceful options for disarmament had been exhausted. Military action at that time was not a last resort.” 2) “In March 2003 there was no imminent threat from Saddam Hussein…The judgments about Iraq’s capabilities…were presented with a certainty that was not justified.” 3) Blair refused to consider any removal plan for Saddam Hussein that did not include a military invasion. From February 2002 onwards, the British government became convinced that, “Saddam Hussein’s regime could only be removed by U.S.-led invasion.” 4) “The circumstances in which it was decided that there was a legal basis for U.K. military action were far from satisfactory.” 5) “In the absence of a majority in support of military action…the U.K. was, in fact, undermining the Security Council’s authority.” 6) The British intelligence community was undoubtedly biased against Saddam Hussein, assuming the Iraqi government was in possession of weapons of mass destruction and had made no attempts to destroy them. 7) The Blair Government ignored well-formulated hypotheses that Iraq would likely devolve

\textsuperscript{51} Gilligan, “The Betrayal of Dr David Kelly, 10 Years on - Telegraph.”
\textsuperscript{52} “The Report of the Iraq Inquiry - Executive Summary.”
into sectarian conflict and ruin following the removal of Saddam Hussein. 8) “The U.K. Government failed to plan or prepare for the major reconstruction programme required in Iraq,” which was complicated by diverging visions for Iraq’s future between the United States and the United Kingdom.
Charges

The Office of the Prosecutor will prosecute Anthony C. L. Blair, Prime Minister of the United Kingdom of Great Britain and Northern Ireland, for the Crime of Aggression under Article 8 bis of the Rome Statute, as amended at Kampala on June 11, 2010.

Crimes of Aggression are defined by Article 8 bis as, “The planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations…” “act of aggression” means the use of armed force by a state against the sovereignty, territorial integrity or political independence of another State, or in any manner inconsistent with the Charter of the United Nations. Any of the following acts, regardless of a declaration of war, shall qualify as an act of aggression: The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof; Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State…An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State…The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.”
Additional Reading


LOGISTICS

Judges of the International Criminal Court

The Honorable Antoine Kesia-Mbe Mindua
- Prosecutor, Ariel Sharon | Defense, Harold S. Truman | Judge, Anthony C. L. Blair

The Honorable Bertram Schmitt
- Prosecutor, Ariel Sharon | Defense, Harold S. Truman | Judge, Anthony C. L. Blair

The Honorable Chile Eboe-Osuji
- Prosecutor, Ariel Sharon | Defense, Harold S. Truman | Judge, Anthony C. L. Blair

The Honorable Chung Chang-ho
- Prosecutor, Ariel Sharon | Defense, Harold S. Truman | Judge, Anthony C. L. Blair

The Honorable Christine van den Wyngaert
- Prosecutor, Ariel Sharon | Defense, Harold S. Truman | Judge, Anthony C. L. Blair

The Honorable Cuno Tarfusser
- Prosecutor, Ariel Sharon | Defense, Harold S. Truman | Judge, Anthony C. L. Blair

The Honorable Geoffrey A. Henderson
- Prosecutor, Harold S. Truman | Defense, Anthony C. L. Blair | Judge, Ariel Sharon

The Honorable Howard Morrison
- Prosecutor, Harold S. Truman | Defense, Anthony C. L. Blair | Judge, Ariel Sharon

The Honorable Joyce Aluoch
- Prosecutor, Harold S. Truman | Defense, Anthony C. L. Blair | Judge, Ariel Sharon

The Honorable Kuniko Ozaki
- Prosecutor, Harold S. Truman | Defense, Anthony C. L. Blair | Judge, Ariel Sharon

The Honorable Marc Perrin de Brichambaut
- Prosecutor, Harold S. Truman | Defense, Anthony C. L. Blair | Judge, Ariel Sharon
The Honorable Olga Venecia Herrera Carbuccia
- Prosecutor, Harold S. Truman | Defense, Anthony C. L. Blair | Judge, Ariel Sharon

The Honorable Peter Kovacs
- Prosecutor, Anthony C. L. Blair | Defense, Ariel Sharon | Judge, Harold S. Truman

The Honorable Piotr Hofmanski
- Prosecutor, Anthony C. L. Blair | Defense, Ariel Sharon | Judge, Harold S. Truman

The Honorable Raul Cano Pangalangan
- Prosecutor, Anthony C. L. Blair | Defense, Ariel Sharon | Judge, Harold S. Truman

The Honorable Robert Fremr
- Prosecutor, Anthony C. L. Blair | Defense, Ariel Sharon | Judge, Harold S. Truman

The Honorable Sanji Mmasenono Monageng
- Prosecutor, Anthony C. L. Blair | Defense, Ariel Sharon | Judge, Harold S. Truman

The Honorable Silvia Fernandez de Gurmendi
- Prosecutor, Anthony C. L. Blair | Defense, Ariel Sharon | Judge, Harold S. Truman
Timeline of Proceedings

Determination of Order of Prosecutions

Round Robin or Moderated Caucus – 18 minutes

The Prosecutor v. Ariel Sharon

Recommendation of Jurisdiction to United Nations Security Council

Prosecutor’s Request for Jurisdiction – 20 minutes

Defendant’s Request for Dismissal of Case Over Lack of Jurisdiction – 20 minutes

Judges’ Deliberation Over Recommendation – 5 minutes

Pre-Trial Evidence Review

Role Division, Evidence Review, Witness Selection, Trial Preparations – 45 minutes

Opening Statements

Prosecutor’s Opening Statement – 20 Minutes

Defendant’s Opening Statement – 20 Minutes

Prosecution’s Witnesses

Witness One, Direct Examination – 10 Minutes

Witness Two, Direct Examination – 10 Minutes

Witness Three, Direct Examination – 10 Minutes

Witness One, Cross Examination – 10 Minutes

Witness Two, Cross Examination – 10 Minutes

Witness Three, Cross Examination – 10 Minutes

Defendant’s Witnesses

Witness One, Direct Examination – 10 Minutes

Witness Two, Direct Examination – 10 Minutes

Witness Three, Direct Examination – 10 Minutes
Witness One, Cross Examination – 10 Minutes

Witness Two, Cross Examination – 10 Minutes

Witness Three, Cross Examination – 10 Minutes

Closing Statements

Prosecutor’s Closing Statement – 30 Minutes

Defendant’s Closing Statement – 30 Minutes

Deliberation

Judges’ Deliberation – 15 Minutes

The Prosecutor v. Harold S. Truman

Recommendation of Jurisdiction to United Nations Security Council

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Witness Three, Direct Examination – 10 Minutes

Witness One, Cross Examination – 10 Minutes

Witness Two, Cross Examination – 10 Minutes
**Witness Three, Cross Examination** – 10 Minutes

**Defendant’s Witnesses**

Witness One, Direct Examination – 10 Minutes
Witness Two, Direct Examination – 10 Minutes
Witness Three, Direct Examination – 10 Minutes
Witness One, Cross Examination – 10 Minutes
Witness Two, Cross Examination – 10 Minutes
Witness Three, Cross Examination – 10 Minutes

**Closing Statements**

Prosecutor’s Closing Statement – 30 Minutes
Defendant’s Closing Statement – 30 Minutes

**Deliberation**

 Judges’ Deliberation – 15 Minutes

**The Prosecutor v. Anthony C. L. Blair**

**Pre-Trial Evidence Review**

Role Division, Evidence Review, Witness Selection, Trial Preparations – 45 minutes

**Opening Statements**

Prosecutor’s Opening Statement – 20 Minutes
Defendant’s Opening Statement – 20 Minutes

**Prosecution’s Witnesses**

Witness One, Direct Examination – 10 Minutes
Witness Two, Direct Examination – 10 Minutes
Witness Three, Direct Examination – 10 Minutes
Witness One, Cross Examination – 10 Minutes
Witness Two, Cross Examination – 10 Minutes
Witness Three, Cross Examination – 10 Minutes

**Defendant’s Witnesses**

Witness One, Direct Examination – 10 Minutes
Witness Two, Direct Examination – 10 Minutes
Witness Three, Direct Examination – 10 Minutes
Witness One, Cross Examination – 10 Minutes
Witness Two, Cross Examination – 10 Minutes
Witness Three, Cross Examination – 10 Minutes

**Closing Statements**

Prosecutor’s Closing Statement – 30 Minutes
Defendant’s Closing Statement – 30 Minutes

**Deliberation**

Judges’ Deliberation – 15 Minutes
Note on Introducing Evidence

As part of witness examinations, both directing and opposing counsels may introduce pieces of evidence that either benefits their own case or weakens that of their opponents. Examples of evidence include documents, images, and videos. In previous iterations of the Court, the Prosecution and Defense have introduced between one and six pieces of evidence per side per trial. Please identify and collect evidence intended for use in proceedings prior to the start of the Court’s first trial.
Note on Questioning Witnesses

During witness examinations, opposing counsel (counsel not presently asking questions, e.g. the Prosecutor in Blair when the Defense examines its witnesses) is permitted to make objections to a line of questioning on the grounds that the testimony being elicited has no place in the Court’s proceedings. Mastery of rules of procedure, while welcomed, is not required for awards consideration.

Procedure

Opposing counsel: Objection, your Honor: [insert name of objection].

Chair: Counsel?

Directing counsel: Your Honor, this line of question is not [insert name of objection] as [provide explanation].

Chair: How do you respond?

Opposing counsel: [provide explanation].

The Chair will subsequently provide a ruling on the matter. If the Chair overrules an objection, directing counsel may ask the question one again, and opposing counsel may not object to that question. If the Chair sustains and objection, directing counsel may rephrase their query in a manner which is not objectionable; otherwise, directing counsel must move on.

Objections

Objections Related to Evidence

- Improper Foundation: “Opposing counsel is attempting to introduce into the record a piece of evidence whose proper custodian or connection to the witness under examination has not or cannot be properly ascertained.”

- Prejudicial vs. Probative Value: “Opposing counsel is attempting to introduce into the record a piece of evidence that, when heard by the judges, will serve to unfairly prejudice, confuse, mislead, delay, or circumvent the decision-making process of the judges.”
Objections Unrelated to Evidence

- Beyond the Scope of the Witness’s Knowledge: “Opposing counsel is asking the witness to testify to events or happenings that the witness could not have reasonably known about.”

- Asked and Answered: “Opposing counsel is asking the witness to answer a question that the witness has already answered.”

- Hearsay: “Opposing counsel is asking the witness to testify to statements made by other individuals not in court today.”
  - Exception: Witnesses will be allowed to testify to statements made by the individual who is being prosecuted.

- Opposing Counsel is Badgering the Witness: “Opposing counsel is not allowing the witness to fully explain their answers.”

- Speculation: “The witness is testifying, or being asked to testify, to conclusions that cannot be reasonably reached under their level of education or experience.”