

## **Forum: General Assembly 6**

### **Issue: The question of Criminal Accountability of Political Leaders**

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## **Introduction**

In a truly honourable government, political accountability is undoubtedly one of the most highly valued aspects that needs to be ensured in order for the people of the country to have faith in their leaders. In a more general sense, everyone has to be held responsible for their actions. This is the reason why we have created laws and relied the justice system in our society throughout history. The consequences of committing any wrongdoing can vary to many different levels depending on the severity of their mistake. There are legal frameworks put in place to hold political leaders and government officials accountable because without it, a democracy would essentially become an autocracy. No country should be ran by leaders who exploit their power to commit crimes and get away with it.

## **Definition of Key Terms**

### **Political Accountability**

Procedures that obligate for the government and public officials to be held liable for their actions by citizens so political leaders will act in society's best interest.

### **Corruption**

Political corruption is the act of dishonest conduct and abuse of one's status or authority for illegitimate private gains. Corruption can occur through many forms such as bribery, extortion, nepotism and embezzlement.

### **Criminal accountability**

Refers to the liability of a criminal as penalty to atone for their illegal behaviour or actions and exists in similar forms

across all justice systems.

### **Democracy**

A type of governmental system that is essentially run by the people of the majority of the population. Power is entrusted periodically to elected representatives who will act on behalf of them.

### **Autocracy**

A type of governmental system in which one leader figure has absolute power and total control over society.

A dictatorship is one form of autocratic ruling in which a single ruler has supreme power over the people.

## **Background Information**

The first time in which criminal accountability with political leaders was dealt with internationally occurred after World War Two. Various German and Japanese leaders were held liable in a series of court trials held at Nuremberg and Tokyo. In hindsight, it's evident that criminal accountability was exempt from the victors of the war. The atomic bombs dropped in Hiroshima is an example of injustice and act of inhumane crime towards the Japanese. However, because the leaders who were responsible for that event were on the victorious side, therefore they weren't treated the same as the leaders from the opponent's side. It's arguable that this doesn't justify the legality of their actions and doesn't fully determine that they haven't taken part in any criminal conduct. This is why it's crucial that criminal accountability within international law holds all political leaders who act for their nation liable, and this treatment should be equally given or else issues of the law's legitimacy will arise as a consequence.

The most recent demonstration of political accountability was in the event of Donald Trump's impeachment on charges of abusing his status of power for private political gains. He was already formally impeached by the House of Representatives and will be facing a senate trial to be removed from office for receiving Ukrainian aid to investigate former vice president and upcoming elections candidate Joe Biden. As of last year, the former South Korean president

Lee Myung-bak was held criminally accountable for charges of bribery and embezzlement. He was sentenced to 15 years in prison and became the fourth president convicted of corruption. This shows a sign of real progress in South Korea's efforts to eliminate corruption and improving the criminal accountability of political leaders. On the other hand, North Korea is on the opposite side and hasn't shown any signs of political reform to uphold human rights and improve the criminal accountability of DPRK leaders.

## Key Issues

### Failure of Prosecuting Leaders and Fair Trials

It's especially difficult to have criminal accountability or even political accountability of leaders who rule by dictatorship within their authoritarian nations. International law only had limited power to impose on sovereign nations and even less with nations that aren't run by democracies. In this modern day, there are still 50 dictators around the world, mainly in Africa, the Middle East and in Asia. It's common for trial cases to be conducted in an unfair and politically motivated manner with bribes and political pressure on the jurisdiction. This undermines the power that the citizens have to maintain proper political accountability of their leaders. Furthermore, there's already a large issue of having accountability gaps in traditional systems, which results in inadequate penalties despite the impact of their actions. Examples of this are when some African dictators were merely forced to step down from their positions showing a high accountability gap in their justice system and still leaves democracy unstable.

### Major Parties Involved and Their Views

#### International Criminal Court (ICC)

A fairly new organization established in 2002 meant to act as a permanent court to prosecute those behind the world's most serious crimes. There are currently 122 countries who are members of the ICC however there are several that have signed but is yet to ratify it within

their legislatures. It's based in the Hague with and has eighteen judges all elected from different member nations, the court's jurisdiction presides over 4 categories of crime: genocide, war crimes, crimes against humanity, and crimes of aggression. The ICC is intended to support national courts and is also different from the International Court of Justice. The ICC is criticized for having insufficient authority but some have also said that the prosecutors hold too much power and will carry out biased trials and threatens a country's sovereignty.

## **UN International Court of Justice (ICJ)**

It's the top UN court that's located in the Hague which works to settle disputes between nations in order to sustain international peace and security. This is usually done through arbitration and settlements regarding international disputes such as internal affairs of states, diplomatic relations, and economic rights.

## **Timeline of Relevant Resolutions, Treaties, and Events**

### **June 26 1945**

Establishment of the UN International Court of Justice, it was put into effect on April 1946 to give legal advice to any UN bodies and agencies as well as settling international Disputes according to international law.

### **July 17 1998**

Establishment of the UN General Assembly's founding treaty of the Rome Statute of the International Criminal Court

## **Evaluation of Previous Attempts to Solve the Issue**

Since the development of the International Criminal Court, there has been significant progress in delivering individual criminal accountability which applied to political leaders as well

since the tribunals after WWI that started diverged away from the traditional ideas that state leaders are allowed to be immune from liability. Despite this, the ICC has its limitations as well since it only has power over its party members. Furthermore, it rarely enforces international law through economic sanctions and even more rarely through military measures unless the issue is heavily connected to the UN Security Council if the member nation vetoes the ICC's prosecution. It's become a widely accepted organization but it still can get vetoed by the global power nations such as China and India whose leaders would get convicted of violations of crimes against humanity. The international law is mostly regarded as a set of complex rules that aren't legally binding on non party member nations but it provides an international guideline of laws for all nations to follow, countries try to follow it to prevent having a negative reputation amongst the international community.

## Possible Solutions

Delegates are recommended to focus on solutions to extend the authority of international law as well as ways of improving national laws while ensuring comprehensive law enforcement is constantly being taken. Another way of acquiring some accountability to an extent is the freedom of the press, there should be rules set in place that lays out the rights of the media which will especially support political liberty in nations with oppressive governments. The resolution should aim to have certain accountability mechanisms that national courts can take as an example to follow to deal with the increasing complexities of modern government. It should also outline a method to overcome the obstacle of getting vetoed by a nation which halts the entire process of the International Criminal Court in undertaking criminal liability.

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