



SRMUN CHARLOTTE 2020
Redefining the Role of International Organizations in the New Global Era
March 28-30, 2019
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Delegates,

Welcome to SRMUN Charlotte 2020 and the International Criminal Police Organization (INTERPOL). My name is Hayden Venable, and I have the pleasure of serving as your Director for the INTERPOL Committee. This will be my second time as a SRMUN Charlotte staff member. Previously, I served as Assistant Director of the General Assembly First Committee for Disarmament and International Security. In May 2019, I graduated from the University of North Georgia with a B.A. in International Affairs and a minor in Chinese. I currently work as a paralegal at a family law firm in Marietta, Georgia. Our committee will have two Assistant Directors, Nina Matkava and Adegbemisola Khadijat Aregbe “Khadijat.” This will be Nina’s second time as a SRMUN staff member, previously serving as an Assistant Director in General Assembly Plenary in Charlotte 2019. She also works as a paralegal, focusing on criminal law. This will be Khadijat’s first time as a SRMUN staff member. She is currently a Master’s in Chemistry candidate at East Tennessee State University. INTERPOL also has one Research Assistant, Varsha Gopaulchan. She is a senior at Nova Southeastern University majoring in International Studies and Spanish.

Founded in 1923 with its original headquarters in Vienna, and now located in Lyon, France, INTERPOL has been tasked with coordinating worldwide police cooperation with 194 Members States. INTERPOL seeks to unify the intent of law enforcement entities by providing criminal research systems, training databases, and investigative support through three main crime programs: counterterrorism, organized and emerging crime, and cyber-crime. From these three crime programs, INTERPOL focuses on types of crime that all Member States agree need to be combatted through international cooperation, such as issues like intellectual property, genocide, child pornography, cyber-crime, human trafficking, weapons smuggling, and white-collar crime.

Focusing on the mission of the INTERPOL and considering the SRMUN Charlotte 2020 theme of “*Redefining the Role of International Organizations in the New Global Era*” we have developed the following topics for delegates to discuss at the conference:

- I. Combatting Sexual Cybercrime in the Age of Technological Advancement
- II. Encouraging International Cooperation to Prosecute War Crimes in Post-Conflict Areas

This background guide introduces the committee and the topics that will be debated at SRMUN Charlotte 2020. It should be utilized as a foundation for a delegate’s independent research. However, while we have attempted to provide a holistic analysis of the issues, the background guide should not be used as the single mode of analysis for the topics. Delegates are expected to go beyond the background guide and engage in intellectual inquiry of their own. The position papers for the committee should reflect the complexity of these issues and their externalities. Delegations are expected to submit a position paper and be prepared for a vigorous discussion at the conference.

Position papers should be no longer than two pages in length (single spaced) and demonstrate your Member State’s position, policies, and recommendations on each of the two topics. For more detailed information about formatting and how to write position papers, delegates can visit srmun.org. **All position papers MUST be submitted no later than Friday, March 6, 2020, by 11:59 pm EST via the SRMUN website.**

Nina, Khadijat, and I are very excited to be serving as your dais for INTERPOL. We wish you all the best of luck in your conference preparation and look forward to working with you in the near future. Please feel free to contact Director-General Vanessa Duboulay, Nina, Khadijat, or myself if you have any questions while preparing for the conference.

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Committee History of the International Criminal Police Organization

Founded in 1923 with its original headquarters in Vienna, the International Criminal Police Organization (INTERPOL) is tasked with coordinating worldwide police cooperation.¹ It has grown from its initial 24 members to 194 Member States.² INTERPOL's original intent was to serve as a central location for police organizations to share knowledge on crimes and crime-solving techniques such as identification, extradition, currency counterfeiting, passport forgery, fingerprinting, and many other topics of the age.³ Since then, INTERPOL has expanded its scope to include contemporary issues like intellectual property, genocide, child pornography, cyber-crime, human trafficking, weapons smuggling, white-collar crime, and much more.⁴ INTERPOL seeks to unify the intent of law enforcement entities by providing criminal research systems, training databases, and investigative support.⁵ The committee focuses on three main crime programs: counter-terrorism, aiming to disrupt and prevent terrorist activities through the identification of individuals and networks; organized and emerging crime, focusing on targeting and disrupting criminal networks and responding to their threats; and lastly, cyber-crime, seeking to prevent and investigate cyber-attacks.⁶

In 1914, law and police officials from 24 Member States discussed potential collaboration on globally-shared crime solutions, identification techniques, and extradition.⁷ What started as the International Criminal Police Commission in 1923 would become INTERPOL in 1956.⁸ The initial concerns of identification techniques and extradition procedures have evolved as a result of the advancement of technology and an increasingly globalized world.⁹ In 2000, an automatic fingerprint identification system decreased the time needed to carry out fingerprint checks.¹⁰ Further, after the September 11, 2001 attacks on the World Trade Center in the United States of America (USA), INTERPOL became a 24-hour, seven-days-a-week organization through the creation of the Public Safety and Terrorism (PST) sub-directorate, and now offers immediate assistance in the event of an international emergency.¹¹ Beginning in 1946, INTERPOL began utilizing what is known as the "system of notices" as its primary form of information exchange.¹² Governed today by the INTERPOL Rules on the Processing of Data (RPD), this system is the mechanism by which any Member State or individual actor can share or request international cooperation and information.¹³ However, to do so the requestee must utilize the local Member State's National Central Bureau, which then files the request with the General Secretariat of INTERPOL, who then circulates the request or information only if it is accepted.¹⁴ Today, INTERPOL has emblemized the use of this Red Notices system, which electronically alerts the police worldwide of those wanted internationally, and thus, shortens and improves the process of bringing fugitives to justice.¹⁵

As of 1997, the UN and INTERPOL have joined forces to combat global crime.¹⁶ First established in UN General Assembly Resolution A/RES/51/1, INTERPOL holds the status of Permanent Observer to the UN, and maintains the

¹ "Key Dates," INTERPOL, <https://www.interpol.int/en/Who-we-are/Our-history/Key-dates> (accessed June 10, 2019).

² "Key Dates," INTERPOL.

³ "Key Dates," INTERPOL.

⁴ "Key Dates," INTERPOL.

⁵ "Key Dates," INTERPOL.

⁶ "Key Dates," INTERPOL.

⁷ "Key Dates," INTERPOL.

⁸ "Key Dates," INTERPOL.

⁹ "About Red Notices," INTERPOL, <https://www.interpol.int/en/How-we-work/Notices/Red-Notices> (accessed June 10, 2019).

¹⁰ "About Red Notices," INTERPOL.

¹¹ "About Red Notices," INTERPOL.

¹² G. Calcara, "INTERPOL and Europol in the Fight Against Cybercrime," Masaryk University Journal of Law and Technology Volume 7.1, 2013, <https://journals.muni.cz/mujlt/article/view/2623/2187> (Accessed January 8, 2020).

¹³ G. Calcara, "INTERPOL and Europol in the Fight Against Cybercrime," Masaryk University Journal of Law and Technology Volume 7.1, 2013.

¹⁴ G. Calcara, "INTERPOL and Europol in the Fight Against Cybercrime," Masaryk University Journal of Law and Technology Volume 7.1, 2013.

¹⁵ "About Red Notices," INTERPOL.

¹⁶ "INTERPOL and the UN," INTERPOL, <https://www.interpol.int/en/Our-partners/International-organization-partners/INTERPOL-and-the-United-Nations> (accessed January 3, 2020).

Office of the Special Representative of INTERPOL to the UN in the UN's New York City, USA headquarters.¹⁷ The close proximity of the two allows for and encourages continued interaction between INTERPOL and UN staff and their projects. While INTERPOL cooperates and partners with numerous UN entities, the most common interactions and partnerships occur between INTERPOL and the UN Office on Drugs and Crime (UNODC).¹⁸ In working with these UN entities, INTERPOL focuses on supporting UN bodies through information exchange, investigational and operational support, and building the capacities of police and law enforcement forces.¹⁹

To carry out its missions, INTERPOL has three decision-making bodies to handle both internal and external operations: the General Secretariat, the Executive Committee, and the INTERPOL General Assembly.²⁰ The first officer is the General Secretariat.²¹ The 756-employee office of the General Secretariat is charged with overseeing the daily activities of INTERPOL as well as ensuring that decisions made by the Executive Committee and the INTERPOL GA are implemented.²²

Second, the primary task of the 13-member Executive Committee is to ensure the office of the General Secretariat is executing its duties according to the intent of the Executive Committee and the General Assembly.²³ The Executive Committee meets three times per year to establish INTERPOL's organizational policy and consists of eight Delegates, three Vice-Presidents, and one President.²⁴ The elections to the Executive Committee are held during the final session of the INTERPOL GA.²⁵ Candidates who wish to run for a vacant post require a simple majority to be elected.²⁶ The President and Vice-President require a two-thirds majority and are not eligible for immediate reelection following their four-year term.²⁷

Finally, the largest governing body of INTERPOL is the GA.²⁸ It is constituted of 194 Member States that meet once per year at the INTERPOL headquarters in Lyon, France, to ensure the directives of INTERPOL correspond with the needs of the international community.²⁹ The INTERPOL GA also determines policies, allocates resources, reviews finances, and many other essential tasks.³⁰

Article 38 of the INTERPOL Constitution states that the organization's resources shall be provided by Member State's statutory contributions as well as voluntary funding from gifts, subsidies, or grants that have been approved by the Executive Committee.³¹ The amount statutorily required by each Member State is determined by the INTERPOL GA each year, and is based on an adaptation to the annual requirements of contributions by a Member State to the United Nations (UN).³² Statutory contributions typically fund the day-to-day costs of the General Secretariat and some of the core policing, training and support activities determined by INTERPOL's priorities.³³ In 2019, the largest allocation of funds was devoted to both the support of INTERPOL's activities and projects such as the strengthening of border management in West Africa and the establishment of real-time operational communication between international airports in Africa, Latin America, the Caribbean, Middle East, and North Africa.³⁴

¹⁷ "INTERPOL and the UN," INTERPOL.

¹⁸ "Cooperation with UN entities," INTERPOL, <https://www.interpol.int/en/Our-partners/International-organization-partners/INTERPOL-and-the-United-Nations/Cooperation-with-United-Nations-entities> (accessed January 3, 2020).

¹⁹ "Cooperation with UN entities," INTERPOL.

²⁰ "Our Funding," INTERPOL, <https://www.interpol.int/en/Who-we-are/Our-funding> (accessed June 19, 2019).

²¹ "Our Funding," INTERPOL.

²² "Our Funding," INTERPOL.

²³ "Our Funding," INTERPOL.

²⁴ "The International Criminal Police Organization," INTERPOL, <https://www.interpol.int/en> (accessed June 19, 2019).

²⁵ INTERPOL, *Rules of Procedure of the ICPO-INTERPOL General Assembly*, 2019.

²⁶ INTERPOL, *Rules of Procedure of the ICPO-INTERPOL General Assembly*, 2019.

²⁷ INTERPOL, *Rules of Procedure of the ICPO-INTERPOL General Assembly*, 2019.

²⁸ "The International Criminal Police Organization," INTERPOL, <https://www.interpol.int/en> (accessed June 19, 2019).

²⁹ "The International Criminal Police Organization," INTERPOL.

³⁰ "ICPO-INTERPOL Constitution - The Faculty of Law," INTERPOL <https://www.jus.uio.no/english/services/library/treaties/14/14-02/interpol-constitution.xml> (accessed June 19, 2019).

³¹ "ICPO-INTERPOL Constitution - The Faculty of Law," INTERPOL.

³² "Our Funding," INTERPOL, <https://www.interpol.int/en/Who-we-are/Our-funding> (accessed June 19, 2019).

³³ "Our Funding," INTERPOL.

³⁴ "Our Funding," INTERPOL.

Meanwhile, voluntary cash contributions support specific regional and crime initiatives.³⁵ At the end of 2017, INTERPOL's financial statement showed USD 14 million being allocated to the General Reserve Fund and none towards the Special Allocations Fund (SAF).³⁶ The SAF is utilized for extra-budgetary regional activities and investments, or for specific, internally conceived and directed projects.³⁷ Thus, most of INTERPOL's efforts and funds are allocated to projects that require immediate attention and those which the UN and other international bodies direct its attention to, as opposed to projects that arise from within INTERPOL.³⁸

³⁵ "Our Funding," INTERPOL.

³⁶ "Our Funding," INTERPOL.

³⁷ "Our Funding," INTERPOL.

³⁸ INTERPOL, Contribution to the United Nations General Assembly Special Session (UNGASS) on the World Drug Problem. Publication, INTERPOL. 2015.

I. Combatting Sexual Cybercrime in the Age of Technological Advancement

"We must make progress in prevention, legislation, enforcement and prosecution." – Steven Wilson, Head of Europol's European Cybercrime Centre (EC3)³⁹

Introduction

With continuing technological advancements and increased access to Internet platforms, concomitant increases in the number of cybercrimes has occurred.⁴⁰ The Internet Crime Complaint Center (IC3) has seen over 4 million reported complaints since 2000.⁴¹ In recent years, there has been a sharp increase in complaints, from 270,000 in 2014 to 300,000 in 2016, by which time cybercrime had become the second most reported type of crime globally.⁴² As technology advances, so does the number of sexual cybercrimes increase.⁴³ Part of this can be explained by the increasing number of people who have access to advanced technology, including tablets and smartphones, making it easier for both sexual cybercrimes to be committed and victims to be targeted.⁴⁵ Despite the many questions associated with the future of cybersecurity and the protection of citizens, it is crucial to highlight the importance of international cooperation to tackle the growing threats of sexual cybercrimes.

As mentioned previously, cybercrime generally has grown tremendously in the past several decades. The cost of cybercrime has increased by 0.8 percent of global Gross Domestic Product (GDP) in the last four years, and the United Nations Office on Drugs and Crime (UNODC) estimates that the overall global cost of cybercrime stands at USD 600 billion.⁴⁶ New criminal trends are emerging each day, with offenders committing crimes on the Internet they would not otherwise be able to commit.⁴⁸ The possibility to stay anonymous on the Internet, combined with essentially limitless opportunities to adopt false identities, stimulates criminal behavior.⁴⁹ Further, the large number of potential victims who are easily identifiable through different online services, including social network platforms, online banking, shopping, and sexual content makes criminal targeting much easier than in the pre-digital era.⁵⁰

Keeping people secure and safe online, while also protecting their privacy and without limiting their abilities to use social platforms as desired, is a difficult task.⁵¹ Member States face many domestic challenges with cybersecurity, and gaps exist. These gaps include lack of domestic legislation, little to no regulatory control over Internet practices,

³⁹ "Fighting Cybercrime in a Connected World," INTERPOL, October 11, 2019. <https://www.interpol.int/en/News-and-Events/News/2019/Fighting-cybercrime-in-a-connected-world> (Accessed January 8, 2020).

⁴⁰ "Taking action where we can to stop cybercrime," United Nations Information Center, <https://unicwash.org/oped-cybercrime/> (accessed July 22, 2019).

⁴¹ Federal Bureau of Investigation, Internet Crime Complaint Center, *2017 Internet Crime Report*, 2017.

⁴² Federal Bureau of Investigation, Internet Crime Complaint Center, *2017 Internet Crime Report*, 2017.

⁴³ Walker, Summer. "Cyber Insecurities? A Guide to the UN Cybercrime Debate," Global initiative Against Transnational Organized Crime, March 2019. <https://globalinitiative.net/wp-content/uploads/2019/03/TGIATOC-Report-Cybercrime-in-the-UN-01Mar1510-Web.pdf> (accessed January 3, 2020).

⁴⁴ "Global Programme on Cybercrime," United Nations Office on Drugs and Crime, <https://www.unodc.org/unodc/en/cybercrime/global-programme-cybercrime.html> (accessed July 24, 2019).

⁴⁵ "Global Programme on Cybercrime," United Nations Office on Drugs and Crime.

⁴⁶ "Taking action where we can to stop cybercrime," United Nations Information Center, <https://unicwash.org/oped-cybercrime/> (accessed July 22, 2019).

⁴⁷ "Economic Impact of Cybercrime- No Slowing Down," CSIS, <https://www.mcafee.com/enterprise/en-us/assets/reports/restricted/rp-economic-impact-cybercrime.pdf> (accessed July 30, 2019).

⁴⁸ "New And Emerging Forms of Crime: Threats The World Must Reckon With," 13th United Nations Congress on Crime Prevention and Criminal Justice, https://www.un.org/en/events/congress2015/pdf/Factsheet_5_Emerging_forms_of_crime_EN.pdf (accessed July 19, 2019).

⁴⁹ "New And Emerging Forms of Crime: Threats The World Must Reckon With," 13th United Nations Congress on Crime Prevention and Criminal Justice.

⁵⁰ "New And Emerging Forms of Crime: Threats The World Must Reckon With," 13th United Nations Congress on Crime Prevention and Criminal Justice.

⁵¹ "New And Emerging Forms of Crime: Threats The World Must Reckon With," 13th United Nations Congress on Crime Prevention and Criminal Justice.

and a growing population gaining access to technology.⁵² However, Member States and the international community can take specific steps that will help prevent and improve the security of content on the internet, including building up the necessary capacity, specifically in law enforcement, to fill those cybersecurity gaps.^{53 54}

One of the issues that has exacerbated these gaps, especially in regards to sexual cybercrimes, is that there exists no single internationally recognized definition of what constitutes a sexual cybercrime; offenses of such nature are often categorized based on their context, which differs between Member States.⁵⁵ For the purpose of this document, sexual cybercrime will be defined as the use of information and communication technology as a means to sexually abuse or exploit any person. The terms sexual abuse and exploitation have been defined by the World Health Organization (WHO) and the United Nations Human Rights Council as “any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, threatening or profiting monetarily, socially or politically from the sexual exploitation of another” and the “actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.”⁵⁶

History and Challenges of Addressing Sexual Cybercrime

In 1984, the United States of America (USA) Department of Defense’s Advanced Research Projects Agency built a network that connected computers from targeted universities, government agencies, and defense contractors.⁵⁷ This network, the first of its kind, led to the creation of a USA military code in 1976 that allowed all computers to transmit data to one another.⁵⁸ That code is considered the birth of the modern internet.⁵⁹ What started as a USA military operation quickly spread to become something that everyone the world over would seek access to. However, with the creation of the internet and cyberspace came the creation of a new type of criminal activity: cybercrime.

Seeing the many complications that arose with the creation of an international and boundary-less platform, the Council of Europe created the first international treaty on crimes committed via the Internet in 2001.⁶⁰ This treaty, known as the Budapest Convention on Cybercrime, was intended to “pursue a common criminal policy aimed at the protection of society against cybercrime, especially by adopting appropriate legislation and fostering international co-operation.”⁶¹ To do so, it put in place a framework for Member States to address crimes committed via the Internet, particularly copyright infringement, computer-related fraud, child pornography, and violations of network security.⁶² This treaty, ratified by 48 Member States, set the stage for other regional and international bodies to address cybercrime, as well as for individual Member States to create internal policies to prevent and punish cybercrime. Currently, in addition to the policies of individual Member States, the African Union, League of Arab States, Organisation for Economic Development, European Union, and UNODC maintain regional and/or international policies regarding cybercrime.⁶³

⁵² “Understanding Cybercrime: Phenomena, Challenges, and Legal Response,” Prof. Dr. Marco Gerke. ITU Telecommunication Development Bureau, www.itu.int/ITU-D/cyb/cybersecurity/legislation.html (Accessed December 27, 2019)

⁵³ “Taking action where we can to stop cybercrime,” United Nations Information Center, <https://unicwash.org/oped-cybercrime/> (accessed July 22, 2019).

⁵⁴ “Our Cyber Operations,” INTERPOL, <https://www.interpol.int/en/Crimes/Cybercrime/Our-cyber-operations> (accessed September 11, 2019).

⁵⁵ “Global Programme on Cybercrime,” United Nations Office on Drugs and Crime.

⁵⁶ “Sexual Exploitation and Abuse Prevention and Response,” World Health Organization, https://www.who.int/about/ethics/sexual-exploitation_abuse-prevention_response_policy.pdf?ua=1 (Accessed December 27, 2019)

⁵⁷ Ben Tarnoff, “How the Internet was Invented,” *The Guardian*, July 15, 2016. <https://www.theguardian.com/technology/2016/jul/15/how-the-internet-was-invented-1976-arpa-kahn-cerf> (Accessed January 8, 2020).

⁵⁸ Ben Tarnoff, “How the Internet was Invented,” *The Guardian*.

⁵⁹ Ben Tarnoff, “How the Internet was Invented,” *The Guardian*.

⁶⁰ “Details of Treaty No. 185,” Council of Europe. <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185> (Accessed January 8, 2020).

⁶¹ “Details of Treaty No. 185,” Council of Europe.

⁶² Council of Europe, *Budapest Convention on Cybercrime*, Treaty 185.ETS/23.XI.2001

⁶³ Stein Schjolberg, “The History of Cybercrime,” Korean Institute of Criminology, October 2016. https://www.researchgate.net/publication/313662110_The_History_of_Cybercrime_1976-2016 (Accessed January 8, 2020).

While any person can be the victim of sexual cybercrime, the most frequent victims are women and children.⁶⁴ Many forms of sexual cybercrime explicitly involve adults targeting children and either tricking or forcing them into sexual acts.⁶⁵ Alternatively, in many regions of the world such as South East Asia with higher levels of poverty, unemployment, and job instability, sexual exploitation of children for pay is not considered a crime, or even out of the ordinary.⁶⁶

Further, one of the most prolific forms of sexual cybercrime is that of owning or sharing child pornography, or the presence of pornographic images of underage persons online.⁶⁷ Recognizing the extreme vulnerability of children both on- and offline, numerous international and regional conventions, such as the UN Convention on the Rights of a Child, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and the Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Abuse, have been created in attempts to dissuade the sexual exploitation of children.⁶⁸

Addressing the international complexities of sexual cybercrimes is a challenging task. As identified by the International Center for Missing and Exploited Children, nearly half of the world's states do not maintain laws on sexual cybercrime generally or even, at the most basic level, on child pornography.⁶⁹ Additionally, one of the largest problems regarding the tracking and solving of sexual cybercrimes is that these crimes are significantly underreported.⁷⁰ In fact, "the increase in internet sexual offending has been paralleled by a decrease in the number of reported child sexual abuse cases, and a decrease in violent crime more broadly."⁷¹ Many victims simply do not know how to, or want to, report these crimes to the authorities. Further, it is nearly impossible for organizations to identify the crimes on their own, as often offenders have masked the origin of the material, who it was intended for, and the path of its diffusion, thereby making it incredibly difficult for law enforcement to identify the victims and the offenders. Much of the information is held by private parties, or has been masked with Virtual Private Networks (VPNs), making linking digital information with specific individuals a challenge.

This challenge is increasingly compounded when crimes take place across international borders, involving multiple sets of local laws, jurisdictions, law enforcement agencies, and strategies for handling the crime.⁷² The very nature of the internet and international servers makes this a fundamental problem.⁷³ Cybercrimes, and in particular sexual cybercrimes, are defined differently in every Member State, and in some are defined differently by region within a single state.⁷⁴ Further complicating matters, what may be classified as a crime in one Member State may not be in another.⁷⁵ While international organizations such as INTERPOL and the UN, and international initiatives such as the Group of 8's 24/7 Cybercrime Network, work towards solving this challenge, the fact remains that each Member State maintains its own laws – sometimes multiple sets of laws – pertaining to the issue and international cooperation is difficult to accomplish and requires extra time and resources.⁷⁶

⁶⁴ "Online Child Sexual Exploitation and Abuse," UNODC. <https://www.unodc.org/e4j/en/cybercrime/module-12/key-issues/online-child-sexual-exploitation-and-abuse.html> (Accessed January 8, 2020).

⁶⁵ "Online Child Sexual Exploitation and Abuse," UNODC.

⁶⁶ "Online Child Sexual Exploitation and Abuse," UNODC.

⁶⁷ "Online Child Sexual Exploitation and Abuse," UNODC.

⁶⁸ "Online Child Sexual Exploitation and Abuse," UNODC.

⁶⁹ Michael Seto, "Internet-Facilitated Sexual Offending," US Office of Sex Offender Management and Assessment and Planning Initiative, https://www.smart.gov/SOMAPI/sec1/ch4_internet.html (Accessed January 8, 2020).

⁷⁰ Kemal Veli, "Sexual Extortion of Children in Cyber Space," International Journal of Cyber Criminology Volume 10, December 2016. <http://www.cybercrimejournal.com/Kemalvol10issue2IJCC2016.pdf> (Accessed December 27, 2019)

⁷¹ Michael Seto, "Internet-Facilitated Sexual Offending," US Office of Sex Offender Management and Assessment and Planning Initiative.

⁷² Marco Gerke, *Understanding Cybercrime: Phenomena, Challenges, and Legal Response*, ITU, September 2012. <https://www.itu.int/ITU-D/cyb/cybersecurity/docs/Cybercrime%20legislation%20EV6.pdf>. (Accessed January 3, 2020.)

⁷³ Marco Gerke, *Understanding Cybercrime: Phenomena, Challenges, and Legal Response*, ITU, September 2012.

⁷⁴ G. Calcara, "INTERPOL and Europol in the Fight Against Cybercrime," Masaryk University Journal of Law and Technology Volume 7.1, 2013. <https://journals.muni.cz/mujlt/article/view/2623/2187> (Accessed January 8, 2020).

⁷⁵ G. Calcara, "INTERPOL and Europol in the Fight Against Cybercrime," Masaryk University Journal of Law and Technology Volume 7.1, 2013

⁷⁶ Marco Gerke, *Understanding Cybercrime: Phenomena, Challenges, and Legal Response*, ITU, September 2012.

UN Actions

As the organization responsible for coordinating international police forces, INTERPOL has launched several initiatives to combat the rise of cybercrime in nearly every region of the globe.⁷⁷ One such initiative was the creation of the INTERPOL-Europe Cybercrime Conference, first held in 2013.⁷⁸ Now in its seventh year, this conference brings together cyber experts from law enforcement, the private sector, and academia on an annual basis to review the newest cyber threats and formulate suggested responses and frameworks for how to overcome them through a collective global response.⁷⁹ The most recent INTERPOL-Europol Cybercrime Conference was held in October of 2019 and convened over 400 delegates from 70 Member States to discuss cross-border access to electronic evidence and obstacles to international cooperation on cybercrime investigations, among other items.⁸⁰

The majority of INTERPOL operations are conducted through cooperation with UN entities and other international organizations. Further policies and conventions that have been implemented and include actions to combat sexual cybercrimes include: the aforementioned Budapest Convention on Cybercrime; The Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse; The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children; The Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime; and The United Nations Convention against Transnational Organized Crime. The Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse was intended to expand upon the work established by the Budapest Convention on Cybercrime and was ratified on October 25, 2007.⁸¹ This Convention aimed to criminalize certain acts of sexual exploitation, and further discusses multilateral action to provide assistance to victims of sexual cybercrimes, as well as protection from further exploitation.⁸²

The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, was adopted by the UN General Assembly as A/RES/55/25 in December of 2000, as a supplementary protocol to the UN Convention Against Transnational Crime, and has been ratified by 173 Member States.⁸³ It addresses prevention of trafficking and exploitation of women and children digitally, as well as defines the crime of trafficking.⁸⁴ The Economic and Social Council (ECOSOC) adopted the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime in E/RES/2005/20.⁸⁵ These guidelines were meant to establish “good practices based on the consensus of contemporary knowledge and relevant international and regional norms, standards and principles” and provide a framework that allowed the international community to implement norms and standards on policies against sexual cybercrimes.⁸⁶

Another way of implementing international norms to prevent the spread of cybercrimes occurred at the World Summit on the Information Society (WSIS) under the purview of The International Telecommunication Union

⁷⁷ “Our Cyber Operations,” INTERPOL, <https://www.interpol.int/en/Crimes/Cybercrime/Our-cyber-operations> (accessed September 11, 2019).

⁷⁸ “Our Cyber Operations,” INTERPOL.

⁷⁹ “Our Cyber Operations,” INTERPOL.

⁸⁰ “Fighting Cybercrime in a Connected World,” INTERPOL, October 11, 2019. <https://www.interpol.int/en/News-and-Events/News/2019/Fighting-cybercrime-in-a-connected-world> (Accessed January 8, 2020).

⁸¹ “Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children,” United Nation Office on Drugs and Crime, https://www.unodc.org/documents/Cybercrime/Study_on_the_Effects.pdf (Accessed December 27, 2019)

⁸² “Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children,” United Nation Office on Drugs and Crime.

⁸³ “Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children,” United Nation Office on Drugs and Crime.

⁸⁴ “Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children,” United Nation Office on Drugs and Crime.

⁸⁵ United Nations Economic and Social Council, Resolution 2005/20, *Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime*, E/RES/2005/20, July 22, 2005. <https://www.un.org/en/ecosoc/docs/2005/resolution%202005-20.pdf>, <https://www.un.org/en/ecosoc/docs/2005/resolution%202005-20.pdf>

⁸⁶ United Nations Economic and Social Council, Resolution 2005/20

(ITU) of the United Nations.⁸⁷ The WSIS was a set of two United Nations-sponsored summits endorsed by the UN General Assembly in 2001 as General Assembly Resolution A/RES/56/183.⁸⁸ The first summit, known as the Geneva phase, was held in 2003 and focused on developing a statement of political intent and reviewing all Member States' interests regarding monitoring and regulation of telecommunications.⁸⁹ The second summit, known as the Tunisia phase, was held in 2005 and focused on putting the plan developed in Geneva into practice, as well as discussing finance mechanisms for Internet governance and the implementation of the solutions discussed in Geneva.⁹⁰ The overall purpose of the summits was to promote cooperation between all stakeholders in the areas of cybersecurity and cybercrime.⁹¹ Following the first two WSIS phases, there have been annual follow-up forums to further implement the Geneva and Tunisia agendas.⁹²

The most important outcome of the WSIS has been the Global Cybersecurity Agenda, adopted in May 2007 and intended to serve as a framework for international cooperation and strategic sharing of information and protocols regarding information and communication technology (ICT).⁹³ The Global Security Agenda is broken down into five operations that helps to shape policies of international organizations such as INTERPOL. The first is *legal measures*, intended to develop advice on how criminal activities committed over ICT could be handled through INTERPOL and other international organizations.⁹⁴ The second area is about *technical and procedural measures*, focused on addressing vulnerabilities in software products, including accreditation schemes, protocols, and standards.⁹⁵ The third is *organizational structures*, focused on frameworks and response strategies for the prevention, detection, and crisis management of cyberattacks.⁹⁶ The fourth is *capacity building*, aimed to enhance capacity-building mechanisms while raising awareness and knowledge on cybersecurity as a national policy agenda.⁹⁷ The last is *international co-operation*, seeking to develop strategies for international dialogue and cooperation when dealing with cyber threats or cybercrimes.⁹⁸ These five operations are important because organizations such as INTERPOL consult them whenever developing policies or procedures for handling ICT.⁹⁹

Global Cooperation in Solving Sexual Cybercrime

Lucas Chansler

There have been several cases where global cooperation has been crucial in dealing with sexual cybercrimes, especially in instances of sexual exploitation.¹⁰⁰ One of those cases is that of Lucas Michael Chansler. At 31 Chansler was involved in one of the most well-known digital sexual exploitation cases in history.¹⁰¹ He used the internet to locate and blackmail 106 young teenagers between the ages of 12 and 16, extorting them for pornographic images of themselves.¹⁰² His victims were international, located in 26 states in the USA, three

⁸⁷ "Basic Information: About WSIS," World Summit on Information Society, <http://www.itu.int/net/wsis/basic/why.html> (accessed September 11, 2019).

⁸⁸ "Basic Information: About WSIS," World Summit on Information Society.

⁸⁹ "Basic Information: About WSIS," World Summit on Information Society.

⁹⁰ "Basic Information: About WSIS," World Summit on Information Society.

⁹¹ "Basic Information: About WSIS," World Summit on Information Society.

⁹² "Basic Information: About WSIS," World Summit on Information Society.

⁹³ "Report of the Chairman of High-Level Experts Group," ITU Global Cybersecurity Agenda, <https://www.itu.int/en/action/cybersecurity/Documents/gca-chairman-report.pdf> (accessed September 11, 2019).

⁹⁴ "Report of the Chairman of High-Level Experts Group," ITU Global Cybersecurity Agenda.

⁹⁵ "Report of the Chairman of High-Level Experts Group," ITU Global Cybersecurity Agenda.

⁹⁶ "Report of the Chairman of High-Level Experts Group," ITU Global Cybersecurity Agenda.

⁹⁷ "Report of the Chairman of High-Level Experts Group," ITU Global Cybersecurity Agenda.

⁹⁸ "Report of the Chairman of High-Level Experts Group," ITU Global Cybersecurity Agenda.

⁹⁹ "WSIS Forum: 2018 Outcome Document," ITU World Summit on Information Society, https://www.itu.int/net4/wsis/forum/2018/Files/documents/outcomes/WSISForum2018_ForumTrackOutcomes.pdf

¹⁰⁰ "Our Cyber Operations," INTERPOL, <https://www.interpol.int/en/Crimes/Cybercrime/Our-cyber-operations> (accessed September 11, 2019).

¹⁰¹ Cyber Misbehavior Vol 64 No 73, *The United States Attorneys' Bulletin May 2016: Cyber Misbehavior*, Vol 64, No 73 (Washington D.C. 2016) <https://www.justice.gov/usao/file/851856/download> (accessed September 11, 2019).

¹⁰² Cyber Misbehavior Vol 64 No 73, *The United States Attorneys' Bulletin May 2016: Cyber Misbehavior*, Vol 64, No 73 (Washington D.C. 2016)

Canadian provinces, and the United Kingdom of Great Britain and Northern Ireland.¹⁰³ Through the cooperation of the USA Federal Bureau of Investigation, INTERPOL, and the police forces of the impacted Member States, Lucas was apprehended.¹⁰⁴ Following this incident, concerned individuals created the non-governmental organization “National Center for Missing and Exploited Children” in the United States and the organization has played an important role in reporting and solving many sexual cybercrimes, both in the United States and internationally, in the years since.¹⁰⁵

Operation Strikeback

In November of 2013, at the INTERPOL Eurasian Working Group Meeting in Singapore, a presentation by the Hong Kong Police Force regarding the significant presence of sexual extortion, or “sextortion” crimes, resulted in collaboration between the INTERPOL Digital Crime Center and representatives from multiple Member State Forces to launch Operation Strikeback.¹⁰⁶ Operation Strikeback was intended to serve as an international investigation into transnational sextortion, and ultimately identified over 100 suspects linked to the Bicol Group in Naga City in the Philippines, a group accused of committing sextortion in six Member States.¹⁰⁷ On April 30 and May 1, 2014, the INTERPOL-led operation raided many known sites of the Bicol Group’s operation, leading to the arrest of 58 individuals and the seizure of over 250 pieces of electronic equipment utilized in the crimes.¹⁰⁸

Operation Strikeback is one example of the importance of international cooperation in bringing down those who commit sexual cybercrimes. Without cooperation between the INTERPOL Digital Crime Centre, Police Scotland, US Immigration and Customs Enforcement, the Philippines Department of Justice Office of Cybercrime, the UK’s National Crime Agency CEOP Command, the Hong Kong Police Force, and the Singapore Police Force, INTERPOL would not have been able to identify these crimes or the offenders, or orchestrate the raid that led to the arrest of 58 members of the Bicol Group.¹⁰⁹

Operation Webmaster

In 2016, Spanish authorities investigating an organized crime ring became suspicious that the crime ring was involved in human trafficking and sexual exploitation.¹¹⁰ Upon opening an investigation, later named “Operation Webmaster,” authorities discovered numerous websites with operations in Spain, which offered sexual services performed by women primarily of Nigerian decent who were being housed in Finland and Sweden.¹¹¹ The head of the organization was suspected to be located in Spain, and accused of crimes in 15 Member States, including not only sexual exploitation, but also money laundering and human trafficking.¹¹²

¹⁰³ Cyber Misbehavior Vol 64 No 73, *The United States Attorneys’ Bulletin May 2016: Cyber Misbehavior, Vol 64, No 73* (Washington D.C. 2016)

¹⁰⁴ Cyber Misbehavior Vol 64 No 73, *The United States Attorneys’ Bulletin May 2016: Cyber Misbehavior, Vol 64, No 73* (Washington D.C. 2016).

¹⁰⁵ Cyber Misbehavior Vol 64 No 73, *The United States Attorneys’ Bulletin May 2016: Cyber Misbehavior, Vol 64, No 73* (Washington D.C. 2016)

¹⁰⁶ “Timeline of Operation Strikeback combating ‘sextortion’,” INTERPOL, https://sherloc.unodc.org/res/cld/case-law-doc/cybercrimetype/phl/operation_strikeback.html/2014-075-Timeline-of-Operation-Strikeback.pdf. (Accessed January 3, 2020).

¹⁰⁷ “Timeline of Operation Strikeback combating ‘sextortion’,” INTERPOL.

¹⁰⁸ “Timeline of Operation Strikeback combating ‘sextortion’,” INTERPOL.

¹⁰⁹ “Operation Strikeback,” UNODC SHERLOC Case Law, https://sherloc.unodc.org/cld/case-law-doc/cybercrimetype/phl/operation_strikeback.html (accessed January 3, 2020).

¹¹⁰ “Parallel Investigations Bring down Sexual Exploitation Network and Freeze Criminal Profits in 12 Counties.” Europol, August 1, 2019. <https://www.europol.europa.eu/newsroom/news/parallel-investigations-bring-down-sexual-exploitation-network-and-freeze-criminal-profits-in-12-counties>. (Accessed January 3, 2020)

¹¹¹ “Parallel Investigations Bring down Sexual Exploitation Network and Freeze Criminal Profits in 12 Counties.” Europol.

¹¹² “Parallel Investigations Bring down Sexual Exploitation Network and Freeze Criminal Profits in 12 Counties.” Europol.

To speed up operations, a Joint Investigative Team consisting of law enforcement from Spain, Finland, and Sweden was organized.¹¹³ On March 26, 2019 the three year operation led to the successful arrest of another six suspects.¹¹⁴ Furthermore, 16 websites used for sexual exploitation were shut down, and bank accounts in 12 different Member States linked to the perpetrators were frozen.¹¹⁵ Ultimately, the investigation was coordinated through INTERPOL and Europol and involved cooperation from the following Member States: Finland, Sweden, Spain, Bulgaria, Estonia, Germany, Malta, Romania, the Netherlands, the United Kingdom, China, Panama, and Russia.¹¹⁶

Conclusion

Sexual cybercrime can impact virtually any person at any time. It is increasingly common across the world, affecting virtually all Member States with access to the Internet. While recent technological advancements have equipped law enforcement officers to better identify instances where this is taking place, they have also provided offenders with improved ability to commit and mask their crimes. A component critical to addressing sexual cybercrime is international cooperation and facilitation.

By its very nature, INTERPOL is the organization that is at the forefront of addressing cybercrime, and more specifically sexual cybercrime, on a global scale. By facilitating the sharing of information between and cooperation of law enforcement entities from around the world, bad actors committing crimes across Member State lines become easier to identify, track, and punish.

However, there are still many challenges faced by law enforcement agencies, such as underreporting of these crimes, differing legal parameters for what constitutes a crime, and limited time and resources. As law enforcement agencies continue to advance their capabilities to limit cybercrime, cybercriminals simultaneously advance their abilities to commit these crimes more frequently, more discreet, and faster. It will take cooperation of the best and the brightest in the cyberworld, and significant time and resources, to overcome, or at least keep pace, with the every-growing and constantly changing nature of cybercrime and, therefore, sexual cybercrime.

Committee Directives

Delegates should consider what capacity their law enforcement agencies have in addressing sexual cybercrime. Delegates should also consider what programs can be implemented to enforce a strong no-tolerance policy towards cybercrimes. Finally, collaboration and continual negotiations of innovative technological actions between INTERPOL, Member States, and the private sector should be considered. How are organizations already in place useful in resolving specific issues related to sexual cybercrimes? How can they be improved and implemented on a larger and more international scale?

¹¹³ “Parallel Investigations Bring down Sexual Exploitation Network and Freeze Criminal Profits in 12 Counties.” Europol

¹¹⁴ “25 Arrests and 16 Victims Safeguarded in Operation against Sexual Exploitation of Women.” Europol, August 24, 2017. <https://www.europol.europa.eu/newsroom/news/25-arrests-and-16-victims-safeguarded-in-operation-against-sexual-exploitation-of-women>. (Accessed January 3, 2020)

¹¹⁵ “25 Arrests and 16 Victims Safeguarded in Operation against Sexual Exploitation of Women.” Europol.

¹¹⁶ Bulgaria, Estonia, Germany, Malta, Romania, the Netherlands and the United Kingdom. Issuing International Letter of Requests to China, Panama and Russia

II: Encouraging International Cooperation to Prosecute War Crimes in Post-Conflict Areas

Introduction

Eight out of ten of the world's poorest Member States are suffering, or have recently suffered, from large-scale violent conflict.¹¹⁷ Wars in developing Member States have human, economic, and social costs, and are a leading factor in further poverty and underdevelopment.¹¹⁸ According to The Hague Convention of 1907, the Geneva Convention of 1946, and the Rome Statute, the act of attacking another entity without being physically provoked, or willfully killing another, is considered a war crime. War crimes are still occurring today and some of the worst belligerents are going unpunished.¹¹⁹

Prosecution of war crimes plays a vital role in the international community.¹²⁰ As long as criminals go unprosecuted, others will believe they can get away with the same crimes or worse.¹²¹ This could, in turn, promote more violence in post-conflict areas.¹²² Without effective police tactics and prosecution, war criminals can also emigrate away from where they committed their crimes, making it nearly impossible for the affected Member State to find and prosecute war criminals with their given resources.¹²³

Ultimately, one of the primary causes of corruption in post conflict areas is that political leaders are able to gain more from profit-seeking activities in a political system they control in the short-term, particularly one that has recently faced a traumatic time, instead of creating democratic institutions and economic progress.¹²⁴ These activities tend to be pervasive in the Member States that have significant exports of rare minerals like diamonds and petroleum, such as Sierra Leone, Angola, the Democratic Republic of the Congo, and Liberia, while predatory economic behavior has a lower pay-off in economies such as Tanzania and Togo who have a lower volume of exports.¹²⁵

It is difficult, and in some cases impossible, to manage the lack of resources or technical skills to combat war crimes in post-conflict areas at the state level.¹²⁶ Given that war criminals generally control some, if not all, of the government of the state, local prosecution is unlikely in most situations. Further complicating the problem of prosecution, many war criminals do not remain within the borders of their native Member States, creating a possibility that war criminals, if left unprosecuted, can proliferate throughout a region.¹²⁷ Seeing the possibility of

¹¹⁷ "Root Causes of Violent Conflict in Developing Countries," the BMJ, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1122271/> (accessed September 16, 2019).

¹¹⁸ "Root Causes of Violent Conflict in Developing Countries," the BMJ.

¹¹⁹ "Practice Relating to Rule 157. Jurisdiction over War Crimes," International Committee of the Red Cross, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule157 (accessed September 16, 2019).

¹²⁰ "Practice Relating to Rule 158. Prosecution of War Crimes," International Committee of the Red Cross.

¹²¹ "International Crime Threat Assessment," Federation of American Scientists, <https://fas.org/irp/threat/pub45270chap3.html> (accessed September 16, 2019).

¹²² "International Crime Threat Assessment," Federation of American Scientists.

¹²³ "Selling Justice Short: Why Accountability Matters for Peace," Human Rights Watch, <https://www.hrw.org/report/2009/07/07/selling-justice-short/why-accountability-matters-peace> (accessed September 16, 2019).

¹²⁴ Emizet Kisangani & E. Wayne Nafziger "The Political Economy of State Terror," Proceedings of the 10th Annual International Conference on Economics and Security 172-186, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.579.1472&rep=rep1&type=pdf> (accessed September 16, 2019).

¹²⁵ E. Wayne Nafziger & Juha Auvinen "Economic Development, Inequality, and War," <https://pdfs.semanticscholar.org/7ca7/8e53b5336cb17231cc4ea23584cdc2a464b6.pdf> (accessed September 16, 2019).

¹²⁶ "Principles of International Co-operation in the Detection, Arrest, Extradition and Punishment of Persons Guilty." OHCHR. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/PersonsGuilty.aspx> (accessed September 18, 2019).

¹²⁷ "Principles of International Co-operation in the Detection, Arrest, Extradition and Punishment of Persons Guilty." OHCHR.

war crimes transitioning from locally-based to a regional problem, it is the duty of INTERPOL to assist the prosecution of war crimes at all levels.¹²⁸

History of Topic within the UN

Before the Hague Conventions of 1899 and 1907, the world knew of atrocities committed in wars, but the terms “war crime” and “crimes against humanity” had yet to enter the global lexicon.¹²⁹ These conventions made the distinction between war crimes and crimes against humanity: a war crime is either a crime committed against enemy combatants or conventional crimes committed by a military unit, and typically has an immediate military advantage to the perpetrator, whereas crimes against humanity are committed far from the front lines of war and are not directly connected to military advantage.^{130 131 132} Both were outlawed by the Hague Conventions before WWI.¹³³ The initial definition of war crimes was comprehensive.¹³⁴ Although the term did not enter common usage until much later than the convention, the international community uses them frequently today.¹³⁵ Some examples of war crimes listed in the Hague Conventions include torture or inhumane treatment, biological experimentation, extensive destruction of property not justified by military necessity, compelling a prisoner of war to serve in the military of a hostile power, depriving a prisoner of war the rights to a fair trial, unlawful confinement, and taking hostages of any kind.¹³⁶ This list is not meant to be comprehensive, but includes many of the most common examples.¹³⁷

The first large scale violates of the Hague Conventions’ war crimes provisions occurred during World War I (WWI). This included the Rape of Belgium by German military forces, the use of poison gas by all belligerents, and the genocide of Kurdish civilians under a Russian-Armenian government.¹³⁸ All of these violated the Hague treaties, and no individual was held responsible for the crimes.¹³⁹ Although the war crimes of WWI went unpunished, the Turkish Court Marshalls of 1919 and 1920 prosecuted the leaders of the Armenian, Assyrian, and Greek Genocide of the Ottoman Empire.¹⁴⁰ These prosecutions, however, were carried out by an individual state, unlike the multi-lateral cooperation seen following World War II (WWII).¹⁴¹

The next large scale perpetration of war crimes occurred under Nazi Germany during World War II.¹⁴² The Holocaust and other war crimes committed by Germany received substantial international attention and key leaders faced an international tribunal of cooperating Member States.¹⁴³ The Nuremberg Trials were a turning point, where the international community began to hold individuals responsible for their actions.¹⁴⁴

¹²⁸ “Principles of International Co-operation in the Detection, Arrest, Extradition and Punishment of Persons Guilty.” OHCHR.

¹²⁹ “War Crimes,” United Nation Office on Genocide Prevention and the Responsibility to Protect, <https://www.un.org/en/genocideprevention/war-crimes.shtml> (accessed September 16, 2019).

¹³⁰ “War Crimes,” United Nation Office on Genocide Prevention and the Responsibility to Protect.

¹³¹ “Rule 156. Definition of War Crimes,” International Committee of the Red Cross, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule156 (accessed September 16, 2019).

¹³² “The Law of Armed Conflict,” International Committee of the Red Cross, https://www.icrc.org/en/doc/assets/files/other/law3_final.pdf (accessed September 16, 2019).

¹³³ “War Crimes,” International Criminal Database, <http://www.internationalcrimesdatabase.org/Crimes/WarCrimes> (accessed September 16, 2019).

¹³⁴ “War Crimes,” International Criminal Database.

¹³⁵ “Ethics Guide : War Crimes,” BBC, http://www.bbc.co.uk/ethics/war/overview/crimes_1.shtml (accessed September 16, 2019).

¹³⁶ “Mandate and Crimes under ICTY Jurisdiction,” United Nations International Criminal Tribunal for the Former Yugoslavia, <http://www.icty.org/en/about/tribunal/mandate-and-crimes-under-icty-jurisdiction> (accessed September 16, 2019).

¹³⁷ “Mandate and Crimes under ICTY Jurisdiction,” United Nations International Criminal Tribunal for the Former Yugoslavia.

¹³⁸ “Mass Atrocities and their Prevention,” Households in Conflict Network, <http://www.hicn.org/wordpress/wp-content/uploads/2019/01/HiCN-WP-290.pdf> (accessed September 18, 2019).

¹³⁹ “Mass Atrocities and their Prevention,” Households in Conflict Network.

¹⁴⁰ “Armenian Genocide,” Armenian National Institute, <https://www.armenian-genocide.org/genocide.html>

¹⁴¹ “Aftermath,” Unit 731, <https://unit731.org/aftermath/> (accessed September 18, 2019).

¹⁴² “The influence of the Nurnberg Trials on International Law,” Robert H. Jackson Center, <https://www.roberthjackson.org/speech-and-writing/the-influence-of-the-nuremberg-trial-on-international-criminal-law/> (accessed September 18, 2019).

¹⁴³ “Nazi War Crimes: War Crimes Trials,” Jewish Virtual Library, <https://www.jewishvirtuallibrary.org/war-crimes-trials> (accessed September 18, 2019).

¹⁴⁴ “Nazi War Crimes : War Crimes Trials,” Jewish Virtual Library.

The Nuremberg trials successfully resulted in sentences of leaders of belligerent actions in WWII.¹⁴⁵ However, the Tokyo Tribunal was not as successful.¹⁴⁶ In WWII, Japan's Unit 731, carried out inhumane biological experiments on Chinese citizens to develop a weapon it could use during the war.¹⁴⁷ After Japan's defeat, the United States of America (USA) discovered Unit 731 and its unethical experiments.¹⁴⁸ The USA initially intended on prosecuting the Japanese doctors and soldiers involved with the experiments, but instead chose to bargain with the Japanese.¹⁴⁹ In exchange for translating their research, the United States agreed not to prosecute the Japanese doctors responsible for carrying it out.¹⁵⁰ Other Member States discovered this deal and, as a result, realized that no single Member State could be responsible for prosecuting war crimes.¹⁵¹ It would take international coordination to hold Member States accountable for war crime statutes.¹⁵² From 1946 on, there has been a combined effort by the United Nations (UN) to create multi-lateral tribunals when dealing with war crimes and crimes against humanity.¹⁵³

From 1993 to 2017, the International Criminal Tribunal for Former Yugoslavia existed to provide similar justice for war crimes committed in former Yugoslavia.¹⁵⁴ It irreversibly changed the landscape of international humanitarian law and provided the victims an opportunity to voice the horrors they witnessed and experienced.¹⁵⁵ As a result of the findings of the International Criminal Tribunal for Former Yugoslavia, a majority of the international community signed a treaty in 1998 known as the Rome Statute.¹⁵⁶ The Rome Statute not only founded the International Criminal Court (ICC) but also defined the four major international crimes: genocide, crimes against humanity, war crimes, and crime of aggression.¹⁵⁷ Finally, it established the jurisdiction and statute of limitations of the ICC. The Rome Statute remains the most important treaty when prosecuting international war criminals.¹⁵⁸

INTERPOL's Focus

Signatories of the Rome Statute must work with the ICC.¹⁵⁹ When signatories fail to comply with a request to cooperate, the Court refers the matter to the Assembly of States Parties and may involve INTERPOL.¹⁶⁰ While INTERPOL may serve to help the UN bring war criminals to international justice, it has a specific role in the process.¹⁶¹ Ultimately, INTERPOL acts to not only assist local law enforcement agencies by providing operational and investigative support and the sharing of information, but also serves as a resource for specialized training and

¹⁴⁵ "Nazi War Crimes: War Crimes Trials," Jewish Virtual Library.

¹⁴⁶ "The Tokyo Trials," Facing History, <https://www.facinghistory.org/holocaust-and-human-behavior/chapter-10/tokyo-trials> (accessed September 18, 2019).

¹⁴⁷ "About Unit 731," Unit 731, <https://unit731.org/> (accessed September 18, 2019).

¹⁴⁸ "About Unit 731," Unit 731.

¹⁴⁹ "Aftermath," Unit 731.

¹⁵⁰ "Aftermath," Unit 731.

¹⁵¹ "Aftermath," Unit 731.

¹⁵² "About Unit 731," Unit 731.

¹⁵³ "UN Global Counter-Terrorism Strategy," United Nations Office of Counter-Terrorism, <https://www.un.org/counterterrorism/ctitf/en/un-global-counter-terrorism-strategy>

¹⁵⁴ "Peace and Security," United Nations, <http://www.un.org/en/sections/issues-depth/peace-and-security/> (accessed July 3, 2019).

¹⁵⁵ "Peace and Security," United Nations.

¹⁵⁶ "Amnesties and International Humanitarian Law: Purpose and Scope." International Review of the Red Cross, <https://www.cambridge.org/core/journals/international-review-of-the-red-cross/article/amnesties-and-international-humanitarian-law-purpose-and-scope/BB700B9FA978B78AED2C9EC0A70B20F7> (accessed September 18, 2019).

¹⁵⁷ "Amnesties and International Humanitarian Law: Purpose and Scope." International Review of the Red Cross.

¹⁵⁸ "Amnesties and International Humanitarian Law: Purpose and Scope." International Review of the Red Cross.

¹⁵⁹ "UN Global Counter-Terrorism Strategy," United Nations Office of Counter-Terrorism, <https://www.un.org/counterterrorism/ctitf/en/un-global-counter-terrorism-strategy> (accessed September 18, 2019).

¹⁶⁰ "UN Global Counter-Terrorism Strategy," United Nations Office of Counter-Terrorism.

¹⁶¹ "As Conflicts Surge Around the World, New Approaches to Prevention Can Save Lives and Money - Up to US\$70 Billion Per Year," The World Bank, <https://www.worldbank.org/en/news/press-release/2018/03/01/as-conflicts-surge-around-the-world-new-approaches-to-prevention-can-save-lives-and-money-up-to-us70-billion-per-year> (accessed July 12, 2019).

development that can assist local law enforcement in creating targeted operations to capture and convict war criminals.¹⁶²

One INTERPOL-operated program that supports local law enforcement is Project Broadening Analysis on Serious International Crimes (BASIC), which targets fugitives wanted for genocide, war crimes, and crimes against humanity.¹⁶³ Within this framework, INTERPOL cooperates with national authorities and international institutions to locate, arrest, and develop information concerning individuals suspected of these crimes.¹⁶⁴ Project BASIC demonstrated its effectiveness in 2018 when more than 270 targeted fugitives were arrested, most of whom were found outside of their native Member State.¹⁶⁵

Another INTERPOL program used to locate fugitives is Operation International Fugitive Round-up and Arrest (INFRA).¹⁶⁶ INFRA specializes in finding fugitives who have fled their native Member State.¹⁶⁷ While Project BASIC focuses on fugitives wanted for war crimes, INFRA searches for international fugitives wanted for various crimes, war crimes or otherwise.¹⁶⁸ Some of these crimes include: environmental crimes, fraud, smuggling, murder, drug trafficking, and corruption.¹⁶⁹ Since its inception in 2009, INFRA operations have contributed to the arrest of over 1,000 international fugitives.¹⁷⁰ Part of INFRA's effectiveness stems from the coordination amongst various Member States' police officers.¹⁷¹ INFRA operations take place in a control room, where the officers of Member States discuss the tactics, contacts, experience, and intelligence of international cases.¹⁷² Such centralized coordination leads to more effective apprehension of criminals.

One example of a specific and localized INTERPOL program is the Rwandan Genocide Fugitives Program. This program is meant to provide dedicated INTERPOL support across the African continent by placing an experienced criminal intelligence analyst at each of INTERPOL's four Regional Bureaus in Africa (Cameroon, Côte d'Ivoire, Kenya, and Zimbabwe), as well as the General Secretariat headquarters in Lyon, France to support North African Member States.¹⁷³

As previously mentioned, INTERPOL also offers training and development programs to Member States to better equip their law enforcement entities to address local and international criminals. One of these programs is the INTERPOL International Training Course on Genocide, War Crimes, and Crimes against Humanity.¹⁷⁴ This course was established with the goal of creating standard practices and policies regarding all investigations related to war

¹⁶² Nyman Gibson Miralis, "INTERPOL's role in combating international war crimes," Lexology, October 19, 2019, <https://www.lexology.com/library/detail.aspx?g=61b55c87-a3ab-4084-9746-db47bf3aa1ac> (Accessed January 11, 2020).

¹⁶³ "Malaysia Accedes to the Rome Statute, Becoming the 123rd Member of the International Criminal Court," Coalition for the International Criminal Court, March, <http://www.coalitionfortheicc.org/news/20190305/malaysia-accedes-rome-statute-becoming-124th-member-international-criminal-court> (accessed September 18, 2019).

¹⁶⁴ "Sustaining Peace: Partnerships for Conflict Prevention and Peacebuilding," Center for International Cooperation, <https://cic.nyu.edu/events/sustaining-peace-partnerships-conflict-prevention-and-peacebuilding> (accessed July 12, 2019).

¹⁶⁵ "Fugitive Investigative Support," INTERPOL, <https://www.interpol.int/en/How-we-work/Fugitive-investigative-support> (accessed December 28, 2019).

¹⁶⁶ "Fugitive Investigative Support," INTERPOL.

¹⁶⁷ "Fugitive Investigative Support," INTERPOL.

¹⁶⁸ "Fugitive Investigative Support," INTERPOL.

¹⁶⁹ "Fugitive Investigative Support," INTERPOL.

¹⁷⁰ "Fugitive Investigative Support," INTERPOL.

¹⁷¹ "Fugitive Investigative Support," INTERPOL.

¹⁷² "Fugitive Investigative Support," INTERPOL.

¹⁷³ "Countering Violent Extremism: What are the Key Challenges for UN?" Naureen Chowdhury Fink, <https://theglobalobservatory.org/2015/11/countering-violent-extremism-united-nations-ban-ki-moon/> (accessed September 18, 2019).

¹⁷⁴ Nyman Gibson Miralis, "INTERPOL's role in combating international war crimes," Lexology, October 19, 2019, <https://www.lexology.com/library/detail.aspx?g=61b55c87-a3ab-4084-9746-db47bf3aa1ac> (Accessed January 11, 2020).

crimes and mass-atrocity events, with a specific focus on the process of collecting and processing evidence.¹⁷⁵ The training has been completed by over 100 investigators from 30 Member States and six international organizations, and is still being offered today.¹⁷⁶

Further, one of the most important roles that INTERPOL plays is the facilitation of sharing of information. INTERPOL hosts the International Expert Meeting on Genocide, War Crimes, and Crimes against Humanity to create partnerships and address current challenges faced by the community in addressing these issues.¹⁷⁷ Most recently held in 2014, the focus of the meeting was “Closing the Impunity Gap” related to information sharing and, ultimately prosecution of, war criminals.¹⁷⁸ The meeting brought together international organizations, local law enforcement entities, academic institutions, and the media to foster community building and information sharing.¹⁷⁹ Such operations are essential in bolstering the fight against genocide and war crimes, as well as the prosecution of the individuals who commit such crimes,

Difficulties in Prosecuting War Crimes

International justice for war crimes has been a challenge for both those in the international criminal court system and victims affected directly by leaders and indolent national court systems.¹⁸⁰ A significant cause of the lack of justice for victims of war crimes is the presence of amnesties.¹⁸¹ An amnesty, which can take the form of a treaty or political agreement, is the official legislative or executive act whereby criminal investigation or prosecution of an individual, a group or class of persons and or certain offenses is prospectively or retroactively barred, and any penalties canceled.¹⁸² Experts argue that amnesties should be revised to prevent their use for those charged with crimes against humanity, such as torture, abductions, and forced imprisonment, as well as genocide and other war crimes.¹⁸³ The problem of amnesties also extends into the justice systems of individual Member States, which have allowed governments to issue ‘self-amnesty’ laws under the promise of stability in a post-conflict area.¹⁸⁴ Thus, it is the shared responsibility of INTERPOL to ensure that every Member State thoroughly investigates and exercises its criminal jurisdiction over those responsible for war crimes.¹⁸⁵

Further, when war criminals are protected in other Member States, prosecution delays occur due to the prevention of extradition of the accused to the state in which they are being charged.¹⁸⁶ Currently, there is little opportunity for victims and their families to be involved in the process of prosecuting war criminals.¹⁸⁷ Victims are often utilized solely as instruments of proof in prosecutorial procedures. More effective prosecution of those responsible for

¹⁷⁵ “War Crimes and Genocide Sub-Directorate,” INTERPOL, March 2015.
https://www.interpol.int/content/download/12368/file/WCG_projectsheet_2015-03_EN_LR.pdf. (Accessed January 11, 2020).

¹⁷⁶ “War Crimes and Genocide Sub-Directorate,” INTERPOL.

¹⁷⁷ “War Crimes and Genocide Sub-Directorate,” INTERPOL.

¹⁷⁸ “6th International Expert Meeting on Genocide, War Crimes and Crimes against Humanity,” INTERPOL, April 2014.
<https://www.legal-tools.org/doc/55c6c5/pdf/> (Accessed January 11, 2020).

¹⁷⁹ “6th International Expert Meeting on Genocide, War Crimes and Crimes against Humanity,” INTERPOL.

¹⁸⁰ Amnesties and International Humanitarian Law: Purpose and Scope." International Review of the Red Cross,
<https://www.cambridge.org/core/journals/international-review-of-the-red-cross/article/amnesties-and-international-humanitarian-law-purpose-and-scope/BB700B9FA978B78AED2C9EC0A70B20F7> (accessed September 18, 2019).

¹⁸¹ Amnesties and International Humanitarian Law: Purpose and Scope." International Review of the Red Cross.

¹⁸² Amnesties and International Humanitarian Law: Purpose and Scope." International Review of the Red Cross.

¹⁸³ Amnesties and International Humanitarian Law: Purpose and Scope." International Review of the Red Cross.

¹⁸⁴ Dugard, John. "Dealing with Crimes of a Past Regime. Is Amnesty Still an Option?" Leiden Journal of International Law 12, no. 4 (1999): 1001-015. <http://ilj.org/wp-content/uploads/2016/08/Dugard-Dealing-with-Crimes-of-a-Past-Regime-1999.pdf> (accessed September 18, 2019).

¹⁸⁵ "Principles of International Co-operation in the Detection, Arrest, Extradition and Punishment of Persons Guilty." OHCHR.
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/PersonsGuilty.aspx> (accessed September 18, 2019).

¹⁸⁶ "Principles of International Co-operation in the Detection, Arrest, Extradition and Punishment of Persons Guilty." OHCHR.

¹⁸⁷ "Rule-of-law Tools for Post-conflict States," Office of the United Nations High Commissioner for Human Rights,
<https://www.ohchr.org/Documents/Publications/RuleoflawVettingen.pdf> (accessed September 18, 2019).

deaths and instability would involve more extensive use of victims' feedback.¹⁸⁸ Further, victims should be educated on legal procedure and be made aware of the extent of their roles as contributors so as to better manage expectations.¹⁸⁹

Often, lower-ranking generals are tried and found responsible for carrying out illicit, violent activities under the direct order of their military superiors, their governments, or their military dictatorships.¹⁹⁰ For example, after the Presidency of General Augusto Pinochet in Chile, 313 lower-ranking generals faced indictments and short sentences.¹⁹¹ Member States should consider prosecution of not only those who carried out the atrocities but those who planned the operations and strategies as well.¹⁹² Finally, consider the shortcomings of previous International Criminal Courts: International Criminal Tribunal for the former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR). The international community has considered both of these tribunals as failures. In the case of the ICTR this is largely because of the unwillingness of the appointed prosecutor, Justice Hassan Bubacar Jallow, to prosecute the war crimes committed by the Rwandan Patriotic Front (RPF), the group responsible for killing thousands of Hutu civilians.¹⁹³ Jallow argued that the RPF should be excluded from prosecution as this outcome should fall upon the leaders of the genocide and that the RPF prosecutions should legally be deferred to the Rwandan government.¹⁹⁴ Future international courts seeking to prosecute war crimes and genocide should take into account all victims and innocents affected.¹⁹⁵

Current Initiatives by the United Nations, NGO's, and the International Community

The ICC, though distinct from the UN, was adopted by the UN and must report to the United Nations General Assembly.¹⁹⁶ The ICC is an independent judicial body with jurisdiction over persons charged with genocide, crimes against humanity, and war crimes.¹⁹⁷ Another essential body associated with the UN is the Office of the Prosecutor, which is an independent organ of the ICC.¹⁹⁸ The Office of the Prosecutor is responsible for submitting arrest warrants to the ICC and has the authority to conduct litigation regarding war crimes, investigations, and prosecutions against war criminals.¹⁹⁹ The Office of the Prosecutor can also open an investigation on its own, such as conducting investigations in 2008 post-election Kenya, or be referred a case by the United Nations Security Council (UNSC) as with the 2011 war crimes in Tripoli, Libya.²⁰⁰

In recent years, non-governmental organizations (NGOs) have been at the forefront of many initiatives to prosecute war criminals or provide stability for victims in post-conflict areas still affected by war crimes. Displacement Solutions (DS), an NGO in Geneva, Switzerland, has used their members' expertise to apply international humanitarian and criminal law against those who perpetrate violations of house, land, and property (HLP) rights in post-conflict areas.²⁰¹ Currently, DS is evaluating the current legal code which governs Myanmar to assist the Rohingya Muslims, whose HLP rights are being violated as a result of the Myanmar government's abuse of power

¹⁸⁸ "Rule-of-law Tools for Post-conflict States," Office of the United Nations High Commissioner for Human Rights.

¹⁸⁹ "Rule-of-law Tools for Post-conflict States," Office of the United Nations High Commissioner for Human Rights.

¹⁹⁰ "Rule-of-law Tools for Post-conflict States," Office of the United Nations High Commissioner for Human Rights.

¹⁹¹ "Augusto Pinochet Ugarte," TRIAL International, <https://trialinternational.org/latest-post/augusto-pinochet-ugarte-2/> (accessed September 18, 2019).

¹⁹² "Augusto Pinochet Ugarte," TRIAL International.

¹⁹³ "Rwanda: International Tribunal Closing Its Doors," Human Rights Watch, <https://www.hrw.org/news/2015/12/23/rwanda-international-tribunal-closing-its-doors> (accessed September 18, 2019).

¹⁹⁴ Straus, Scott, Lars Waldorf, and Des Forges Alison Liebhafsky. Remaking Rwanda: State Building and Human Rights after Mass Violence. Madison, WI: The University of Wisconsin Press, 2011 (accessed December 21, 2019).

¹⁹⁵ "Rwanda: International Tribunal Closing Its Doors," Human Rights Watch.

¹⁹⁶ "Rwanda: International Tribunal Closing Its Doors," Human Rights Watch.

¹⁹⁷ "Rwanda: International Tribunal Closing Its Doors," Human Rights Watch.

¹⁹⁸ "Office of the Prosecutor," International Criminal Court, <https://www.icc-cpi.int/about/otp> (accessed September 18, 2019).

¹⁹⁹ "Office of the Prosecutor," International Criminal Court.

²⁰⁰ "Office of the Prosecutor," International Criminal Court.

²⁰¹ "War Crimes and the Home Initiative," Displacement Solutions, <http://displacementsolutions.org/ds-initiatives/war-crimes-in-the-home-initiative/> (accessed August 6, 2019).

on the Rohingyas.²⁰² Another NGO spearheading the front for action against war criminals is the International Association of Prosecutors (IAP). The IAP works towards greater international co-operation between individual, national, and international prosecutors and for higher speed and efficiency in mutual assistance, asset tracking, and other co-operative measures.²⁰³ Recently the IAP created the Forum for International Criminal Justice (FICJ), which encourages global cooperation in the prosecution of war crimes by providing a specialized database of UN-back ad hoc tribunals to assist with future indictments.²⁰⁴

Member States have also taken measures to ensure that through cooperation war crimes are properly prosecuted.²⁰⁵ Members of the European Union, through the European Union's Judicial Cooperation Unit (Eurojust), have improved investigations between Member States by facilitating the execution of international legal assistance requests and the emplacement of extradition requests.²⁰⁶ Additionally, Member States who were previously not members of the ICC, have seen it as their duty to join in order to combat national and international injustices.²⁰⁷ Within the past 10 years, the number of ICC Member State ratifications and signatures has increased from 148 to 156 as of June, 2019²⁰⁸. Malaysia became the most recent Member State to join ICC on March 4th, 2019, consolidating its dedication in upholding principles of truth and accountability to handle war crimes²⁰⁹.

INTERPOL's purpose in ensuring international cooperation in the prosecution of war crimes is to provide the international police personnel, resources and databases require to track and arrest war criminals.²¹⁰ The organization is critical in providing a global learning center, training and capacity programs which enables Member States to keep pace with crimes against humanity which may be occurring within their borders.²¹¹ Further, INTERPOL sends expert analysts to conflict zones and conducts simulation sessions through initiatives such as the Rwandan Genocide Fugitives Program and Project Broadening Analysis on Serious International Crimes²¹² INTERPOL strives to be a resource for Member States in coordinating efforts to effectively handle and investigate war crimes and their perpetrators.

A Closer Look at Recent International Cooperation in Prosecuting War Crimes

On June 27th, 2011, former Libyan leader Muammar Gaddafi was charged with responsibility for war crimes, which included airstrikes on Tripoli that killed 228 people, bombings in Benghazi that killed 257 people, and ordering attacks by security personnel on other cities in Libya.²¹³ The UNSC instructed the ICC to carry out investigations on

²⁰² "Myanmar HLP Initiative," Displacement Solutions, <http://displacementsolutions.org/ds-initiatives/burma-hlp-initiative/> (accessed August 6, 2019).

²⁰³ "The History of the International Association of Prosecutors," International Association of Prosecutors, <https://www.iap-association.org/About/Sub-Page-1> (accessed August 6, 2019).

²⁰⁴ "About FICJ," International Association of Prosecutors, <https://www.iap-association.org/FICJ/About-FICJ> (accessed August 6, 2019).

²⁰⁵ "EUROJUST," Mission and Tasks, <http://eurojust.europa.eu/about/background/Pages/mission-tasks.aspx> (accessed August 6, 2019.)

²⁰⁶ "EUROJUST," Mission and Tasks.

²⁰⁷ "EUROJUST," Mission and Tasks.

²⁰⁸ "States Parties to the Rome Statute of the International Criminal Court." Wikipedia. Wikimedia Foundation, November 27, 2019. https://en.wikipedia.org/wiki/States_parties_to_the_Rome_Statute_of_the_International_Criminal_Court (accessed December 21, 2019).

²⁰⁹ "Malaysia Accedes to the Rome Statute, Becoming the 123rd Member of the International Criminal Court," Coalition for the International Criminal Court, <http://www.coalitionfortheicc.org/news/20190305/malaysia-accedes-rome-statute-becoming-124th-member-international-criminal-court> (accessed August 6, 2019).

²¹⁰ "Amnesties and International Humanitarian Law: Purpose and Scope," International Review of the Red Cross.

²¹¹ "Capacity Building." INTERPOL. <https://www.interpol.int/en/How-we-work/Capacity-building> (accessed December 23, 2019).

²¹² "War Crimes Investigators Join INTERPOL Simulation Exercise." INTERPOL. <https://www.interpol.int/en/News-and-Events/News/2019/War-crimes-investigators-join-INTERPOL-simulation-exercise> (accessed December 23, 2019).

²¹³ Muammar Gaddafi," TRIAL International, <https://trialinternational.org/latest-post/muammar-gaddafi/> (accessed September 6, 2019).

Gadhafi's actions in Libya as head of the state, which resulted in the passing of a resolution that froze his assets as well as those of his inner circle.²¹⁴ The UNSC referred the situation to the ICC, which sought the arrest warrant of Muammar Gaddafi, his son Saif Al-Islam Gaddafi, and intelligence chief Abdullah Al-Senussi, for crimes against humanity.²¹⁵ However, Libya was not a signatory to the Rome Statute, which would allow for a thorough investigation. Gaddafi was captured and killed on the 20th of October 2011, before he could be tried by either the ICC or Libyan courts.²¹⁶ In May 2012, Libya filed an admissibility challenge to the ICC's jurisdiction requiring all cases to be dealt with domestically.²¹⁷ In May 2013, the ICC pre-trial chamber rejected this admissibility challenge regarding the son Al-Islam Gaddafi, reaffirming their right to judge him.²¹⁸ However, since the Libyan government has cited Libyan sovereignty over its citizens' prosecutions, the Justice ministry has refused to extradite Al-Islam Gaddafi to face an ICC trial and he remains under warrant.²¹⁹

In October 2013 Al-Senussi was judged in Libyan courts based on the principle of complementarity which rules that the ICC will only judge and prosecute individuals if the state concerned cannot.²²⁰ On 28 July 2015, a Libyan court sentenced Al-Senussi to death, which prompted both national and international outcry over alleged due process violations and a surge in pleas for the ICC to revisit the admissibility challenges that gave the Libyan justice system jurisdiction over the ICC.²²¹ The problems associated with proper prosecution of the war crimes committed by Gadhafi are the blanket amnesty laws issued by Libyan authorities, which grant immunity to any acts of violence undertaken during the revolution.²²²

Additionally, the eight-year civil war in Syria resulted in the deaths of hundreds of thousands of civilians due to chemical weapons attacks, torture, executions, and disappearances.²²³ A UN war crimes body, the International, Impartial and Independent Mechanism (IIIM), was created in 2016 to investigate and prosecute crimes in Syria from this time.²²⁴ Under the jurisdiction of the IIIM, police arrested two Syrians in Germany on suspicion of conducting torture and interrogation acts.²²⁵

Further, the IIIM has been working with the UN Commission of Inquiry on Syria to amass a large body of evidence against war criminals in Syria to be prepared for cases of prosecution.²²⁶ Since Syria is not a signatory to the Rome Statute of the ICC, efforts to prosecute those who were the main orchestrators of these crimes have failed, as well as resolutions put forward through the UNSC due to vetoes by the Russian Federation and the People's Republic of China.²²⁷ This shows the need for heightened involvement in international agreements by the Member States with a significant stake in issues that these agreements try to solve.²²⁸

It is important to note that these issues do not occur solely in the Middle East and Africa. In 1973, the Chilean military came into power through a coup d'état led by General Augusto Pinochet Ugarte, effectively overthrowing

²¹⁴ Muammar Gaddafi," TRIAL International.

²¹⁵ Muammar Gaddafi," TRIAL International.

²¹⁶ Muammar Gaddafi," TRIAL International.

²¹⁷ Muammar Gaddafi," TRIAL International.

²¹⁸ Muammar Gaddafi," TRIAL International.

²¹⁹ "Libya's GNA Won't Hand Saif Al-Islam Gaddafi to ICC." Middle East Monitor, November 18, 2019.

<https://www.middleeastmonitor.com/20191118-libyas-gna-wont-hand-saif-al-islam-gaddafi-to-icc/> (accessed December 21, 2019).

²²⁰ Muammar Gaddafi," TRIAL International.

²²¹ "Abdullah Al-Senussi." Abdullah al-Senussi | Coalition for the International Criminal Court <http://www.coalitionfortheicc.org/cases/abdullah-al-senussi>. (accessed December 21, 2019).

²²² "Muammar Gaddafi," TRIAL International.

²²³ Nebehay, Stephanie. "U.N. Investigators Hot on Trail of Syrian War Criminals." Reuters. March 08, 2019.

<https://www.reuters.com/article/us-mideast-crisis-syria-warcrimes/un-investigators-hot-on-trail-of-syrian-war-criminals-idUSKCN1QPIAF> (accessed September 19, 2019).

²²⁴ Nebehay, Stephanie. "U.N. Investigators Hot on Trail of Syrian War Criminals." Reuters.

²²⁵ Nebehay, Stephanie. "U.N. Investigators Hot on Trail of Syrian War Criminals." Reuters.

²²⁶ Nebehay, Stephanie. "U.N. Investigators Hot on Trail of Syrian War Criminals." Reuters.

²²⁷ Nebehay, Stephanie. "U.N. Investigators Hot on Trail of Syrian War Criminals." Reuters.

²²⁸ Nebehay, Stephanie. "U.N. Investigators Hot on Trail of Syrian War Criminals." Reuters.

the President at the time, Salvador Allende.²²⁹ Pinochet ruled for 17 years, during which a total of 40,018 persons were recognized as victims of human rights abuses, which involved torture, detainments, assassination attempts, kidnappings, and executions all for political reasons.²³⁰ During this time, he shut down the National Congress, which vested all law-making authority in one executive branch of government, a decision legitimized by the support of Supreme Court Judges.²³¹ This allowed the introduction of the “self-pardon” amnesty decree DL 2191 of the Chilean Constitution in 1978, which the military regime and Pinochet used to protect themselves from prosecution of their crimes.²³² The government also used the Military Junta Decree Law 5, which considers a state of siege (suspension of individual liberties) the same as a state of war.²³³ They cited this decree as justification for their reign of terror as a necessary response to war.²³⁴ In 1998, eight years after the end of his official rule, Spain requested his extradition while he was in the United Kingdom of Great Britain and Northern Ireland (UK), but the arrest warrant was overturned by the UK’s High Court of Justice, which cited his entitlement to immunity.²³⁵ This was then overruled by the UK House of Lords, which emphasized that international crimes are not privy to immunity.²³⁶ This, in turn, began a series of extradition requests from France, Belgium, and Switzerland, and subsequent court proceedings that lasted until his death on December 2006.²³⁷ These legal procedures lasted eight years, during which consequences for Pinochet’s war crimes were never fully consolidated, demonstrating the bureaucratic red tape of international law and trials.²³⁸

The Pinochet case set a precedent of poor international cooperation in prosecuting war criminals as he was protected from arrest in the UK, and the USA did not support his arrest due to their own involvement in Pinochet’s crimes, all of which undermined the purpose of the ICC and highlighted the difficulties of prosecuting war criminals, even when they are under the jurisdiction of the ICC.²³⁹

Conclusion

Post-conflict zones are some of the most sensitive areas of the globe. Politically, socially, and economically, these areas have been devastated, and are attempting to recover. Unfortunately, when individual Member States are left to take responsibility for the prosecution of the actors that have caused the conflict, or violated international war crime statutes throughout the conflict, many of these actors are never held accountable for their crimes.

INTERPOL, as an organization with the purpose of coordinating information sharing and cooperation of police forces, has an opportunity to play a vital role in encouraging international cooperation regarding the prosecution of war crimes in post-conflict zones. However, there are still many challenges to be addressed for INTERPOL to become successful in supporting Member States and the international community in these efforts. In many cases, those accused reside in Member States who are not party to international statutes and conventions that would provide the international community with the authority to prosecute, and in other cases Member States simply decline to prosecute. As war crimes occur and Member States suffer through internal conflict, the international community and INTERPOL must continue to work towards finding a solution to this problem.

²²⁹ Malta, Roberto. “Latin American Military Dictatorships.” Rise to Peace, September 14, 2018. <https://www.risetopeace.org/2018/09/14/latin-american-military-dictatorships/> (accessed September 19, 2019).

²³⁰ Long, Gideon. “Chile Recognizes 9,800 More Victims of Pinochet’s Rule.” BBC News. BBC, August 18, 2011. <https://www.bbc.com/news/world-latin-america-14584095> (accessed September 19, 2019).

²³¹ “Augusto Pinochet Ugarte.” TRIAL International, November 6, 2012. <https://trialinternational.org/latest-post/augusto-pinochet-ugarte-2/> (accessed September 19, 2019).

²³² “Augusto Pinochet Ugarte.” TRIAL International.

²³³ “Augusto Pinochet Ugarte.” TRIAL International.

²³⁴ “Augusto Pinochet Ugarte.” TRIAL International.

²³⁵ “Augusto Pinochet Ugarte.” TRIAL International.

²³⁶ “Augusto Pinochet Ugarte.” TRIAL International.

²³⁷ “Augusto Pinochet Ugarte.” TRIAL International.

²³⁸ “Augusto Pinochet Ugarte.” TRIAL International.

²³⁹ “The Pinochet Precedent.” Transnational Institute, April 11, 2018. <https://www.tni.org/en/article/the-pinochet-precedent> (accessed December 21, 2019).

Committee Directives

When conducting research, delegates should be mindful of their Member State's association (or lack thereof) with the ICC as well as their voting history in war crime convictions. Furthermore, delegates would benefit from additional investigation of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) to understand where the international community began and failed when dealing with war crimes as well as how much they have progressed. Delegates should come prepared to potentially redress international and domestic legislature like the previously mentioned admissibility challenge of the Rome Statute of the International Criminal Court. Moreover, the highly politicized and globalized nature of these crimes has resulted in divisions over war crime prosecution, leaving delegates to face the question: how can INTERPOL separate economic and political aspirations from legal issues and address this problem? Have there been any recent cases where Member States cooperated in bringing a war criminal to justice? What role does INTERPOL play in arresting war criminals before the international legal community assumes responsibility? Can INTERPOL institute a framework for handling the prosecution of war crimes that takes into account the many challenges currently faced by the international community?

Annotated Bibliography

Topic I

Giulio Calcara, "Role of INTERPOL and Europol in the Fight against Cybercrime, with Particular Reference to the Sexual Exploitation of Children Online and Child Pornography," Masaryk University Journal of Law and Technology 7, no. 1 (Summer 2013): 19-34 (accessed December 23, 2019).

This article examines the two most notable criminal policing agencies, the European Police Office (EUROPOL) and the International Criminal Police Organization (INTERPOL), dedicated to fighting sexual cybercrimes especially those concerning the sexual exploitation of children. Much attention is given to the old and new methods in which these organizations discover the identity and location of potential abusers and the database that is used to facilitate national police investigations. This article also provides case studies of past sexual cybercrime operations carried out by INTERPOL, one of the most notable being Operation VICO (2007) which involved all 190 Member States at the time in a manhunt for a single man, leading to his eventual arrest. Lastly, this article discusses the legal differences between INTERPOL's and Member States' systems.

"Global Information Exchange Help Nab Online-Scammer," INTERPOL, October 17, 2019.

<https://www.interpol.int/en/News-and-Events/News/2019/Global-information-exchange-helps-Nigeria-nab-online-scammer>. (Accessed January 8, 2020).

This article, while not directly related to sexual cybercrime, offers an example of successful international cooperation to combat cybercrime. In this situation in particular, INTERPOL's crime network played a significant role in the success of the operation. The details regarding the origination of the investigations and the ultimate joining of forcing sheds light on the inner workings of international operations and the importance of cooperation at the global level.

Henry, Nicola, Asher Flynn, and Anastasia Powell. "Policing Image-Based Sexual Abuse: Stakeholder Perspectives." Police Practice and Research 19, no. 6 (2018): 565–81.

<https://doi.org/10.1080/15614263.2018.1507892> (accessed December 23, 2019).

This article gives the name 'Technology-facilitated sexual violence' to the broad issue of sexual cybercrime which is then specified into 3 further categories of which 'Image-based sexual abuse' (IBSA) is developed by the authors. IBSA is defined as the recording, distribution or threat of distributing associated with sexual/nude images. This article explores law enforcement successes and failures with the expansion of IBSA as well as the barriers to prosecuting perpetrators of this crime. Recommendations such as consistency in criminal law and law enforcement training are then provided based on the challenges that IBSA prosecution present.

Reitano, Tuesday, Troels Oerting, and Marcena Hunter. "Innovations in International Cooperation to Counter Cybercrime: The Joint Cybercrime Action Taskforce (J-CAT)." The European Review of Organised Crime 2, no. 2 (2015): 142–54. <https://bit.ly/398HSN3> (accessed December 23, 2019).

The Joint Cybercrime Action Taskforce (J-CAT), initiated by Europol Member States through Europol's Cybercrime Center (EC₃), in order to challenge sexual cybercrime is analyzed in this article. J-CAT's purpose, operations, successes, failures and joint investigations are discussed within this article as well as the investigations concerning online sexual exploitation of minors, which provided insight into J-CAT's methodology. This article also stresses the important role that international coordination plays in maximizing the effectiveness of these taskforces through flexible administrative frameworks and databases.

Topic II

Tladi, Dire. "Complementarity and Cooperation in International Criminal Justice." Institute for Security Studies, no. 277 (November 2014). <https://www.files.ethz.ch/isn/185933/Paper277.pdf> (accessed July 14, 2019).

This article by the Institute for Security Studies (ISS) focuses on the International Criminal Court (ICC) being at the core of the international criminal justice system yet not being able to function efficiently without state action and agreement. The author argues that the national jurisdiction needed, would be fulfilled via the International Law Commission's project on crimes against humanity which would work to strengthen the requirements for states to extradite or prosecute war criminals. Further, the author emphasizes the Belgium, Slovenia and Netherlands Initiative (BSN Initiative) as another means by which extradition could be improved via interstate cooperation as it would be a state's duty to provide mutual legal assistance when faced with a war criminal residing in their territory.

Naqvi, Yasmin. "Amnesty for War Crimes: Defining the Limits of International Recognition." *Revue Internationale De La Croix-Rouge/International Review of the Red Cross* 85, no. 851 (2003): 583. www.corteidh.or.cr/tablas/r27221.pdf (accessed July 14, 2019).

The controversial topic of amnesty given to war criminals, especially those with the Head of the State title, is discussed in this article. Naqvi also makes note of how certain principles of international law may even bar prosecution of those responsible for war crimes. This article acknowledges that amnesties are necessary for states going through political transition in cases of social unrest to avoid outbreaks of civil wars and introduces new ideas of amnesties being accompanied by other accountability measures. The way in which amnesties are granted and who they are granted to are also analyzed as self-appointed amnesties are less likely to be considered valid. This article ends with a suggestion to reevaluate the way in which the international community validates and recognizes amnesties.

Oosterveld, Valerie, Mike Perry, and John McManus. "The Cooperation of States With the International Criminal Court." *Fordham International Law Journal* 25, no. 3 (2001). <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1834&context=ilj> (accessed July 14, 2019).

This article addresses the cooperation agreements by Member States who have signed on to the Rome Statute regarding the prosecution of war crimes through the enforcement of ICC sentences, investigations to gather evidence, immunities of Court Officials and fines. Each obligation is explored in this journal article with relation to the Rome Statute and the authors also include case studies concerning how Canada, Switzerland and the United Kingdom have managed to integrate these requirements of the ICC into their domestic laws.

United Nations General Assembly, Resolution 3074, December 1973. https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.28_Principles%20of%20international%20cooperation%20in%20detection.pdf (accessed July 14, 2019).

This resolution from the United Nations General Assembly details the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity. While doing so it reaffirms the obligations of Member States to engage in the unilateral, bilateral and multilateral actions needed to prosecute war criminals. This resolution also works towards preventing any measures that may be contradictory to what is outlined in the Rome Statute as well as the resolution. Further, this resolution encourages the sharing of information through transnational systems which quickens the pace at which suspects can be apprehended and then issued a trial, thus progressing the case of a prosecution which may have taken longer to be processed without regional and international help.