

GRIFFMUN 2024

Trial of Henry Kissinger for War Crimes

**ICC (INTERNATIONAL
CRIMINAL COURT)**

SATURDAY, FEBRUARY 17, 2024

Head Chair
Kaitlyn Mady

Vice Chair
Amelia Jen

Legal
Martin Kottab



Committee: ICC

Topic: Trial of Henry Kissinger for War Crimes

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Chair Introductions

Head Chair - Kaitlyn Mady

Welcome to ICC, delegates! I'm Kaitlyn, and I am honored to be your head chair. First, a little about me: I've been part of MUN since my freshman year (I'm a junior now!), and I love all things speech and debate. Currently, I'm Los Al's Undersecretary of Delegate Training, so I specialize in training students to succeed in MUN conferences! I'm also a musician – I've been playing the flute for ten years, have been teaching myself guitar for the last year, and love to sing. I am incredibly excited to hear each of your stances on Henry Kissinger's legacy, and I encourage you to contact us at iccgriffmun24@gmail.com with any questions. Best of luck, and see you soon!

Vice Chair - Amelia Jen

Hi delegates! My name is Amelia and I'm excited to be serving as your vice chair of ICC for this year's GRIFFMUN! I'm a sophomore and this is my second year in the LAHS MUN program. MUN has helped me gain many skills ranging from effective communication to productive debate; overall, I've been able to learn so much more about the world. Outside of MUN, I'm on the tennis team, am an avid participant of many clubs, and enjoy reading, spending time with my friends, and traveling. As the vice chair of this committee, I look forward to seeing what you delegates will bring to debate. Remember to just be creative and enjoy yourself! Please don't hesitate to reach out if you have any questions or concerns, and I look forward to seeing you all in committee!

Legal - Martin Kottab

Hello delegates! I'm Martin and I will be serving as the legal for ICC. This is my first year in MUN and I have been loving it! It has expanded my social skills and broadened my knowledge of the world. Beyond MUN, I enjoy many activities such as traveling and coaching flag football. I am looking forward to legalling for the committee and hope to make it a great experience for all of you. See you all soon!

Modified Procedure Guide

ICC at GRIFFMUN will follow a slightly modified procedure in order to better reflect the goals of committee. Please read this guide to avoid confusion when the Court convenes. For any questions, email iccgriffmun24@gmail.com.

Policy Paper Guidelines

- Please include the following sections in your policy paper:
 - *Topic Background* - Provide a brief background on the case.
 - *Delegate Involvement* - Explain the past actions of your individual or country with regards to the case and Henry Kissinger.
 - *Arguments* - Explain your stance on the case. In other words, do you find Henry Kissinger to be guilty? If so, of what crimes? Provide specific, relevant evidence.
- Policy papers should be NO LONGER THAN 4 PAGES.
- Please email all policy papers to iccgriffmun24@gmail.com by January 28th in order to be eligible for committee awards.

Opening Debate

- Opening debate will consist of a Speaker's List in which each delegate may speak for up to 1 minute and 30 seconds. Delegates should introduce themselves if necessary, specifically explain their position, and introduce relevant evidence to support their claims. Comments will not be allowed. Moderated and unmoderated caucuses will not be allowed until the list has elapsed.
- Once the Speaker's List has elapsed, the Court will not revert to the list at any time. Committee will continue in moderated and unmoderated caucuses.

Calling Witnesses

- After the end of the Speaker's List, delegates will get the chance to call witnesses to speak in front of the Court. The Chair will explain this process on the day of committee. *Delegates are encouraged to research one or two real-life individuals who may serve as effective witnesses to support their case.*

Verdicts

- Instead of resolutions, delegates will write verdicts. The Chair will share a verdict template with all delegates on the day of committee. Expect to include legal precedents (UN resolutions, previous cases, etc.) and specific evidence to support your arguments.

Committee Description

At a 1998 United Nations Conference in Rome, diplomats from 160 countries met to debate the establishment of a new global judicial body. This body, known today as the International Criminal Court (ICC), was first outlined in the Rome Statute and has since been ratified by 123 nations, notably excluding powers such as the United States, China, Russia, and others. Opposing countries argue that the Court infringes upon national sovereignty, has previously demonstrated bias, and fails to actually regulate breaches of international law due to its reliance on member states' cooperation. Meanwhile, proponents of the Court emphasize the need for prosecution of crimes on a global scale as a means of maintaining political peace.



The ICC can legally exercise jurisdiction over four categories of international crime:



genocide, crimes against humanity, war crimes, and crimes of atrocity. Each of these terms is defined in the Rome Statute.

Unlike the International Court of Justice, which regulates disputes between countries, the ICC acts as a global criminal tribunal with the goal of prosecuting individuals.

Furthermore, the ICC is distinct from other UN organs in that it sets forth criminal verdicts rather than developing solutions. As such, ICC at GRIFFMUN will focus on determining Henry Kissinger's guilt, or lack thereof, with regards to war crimes – delegates will not compose solutions.

Background

Who was Henry Kissinger?

The death of Henry Kissinger on November 29, 2023, brought serious allegations of Kissinger's involvement with war crimes to light.

During this session of the ICC, delegates will debate the validity of such accusations in a posthumous trial.

The chair expects all delegates to be respectful given the recent nature of Kissinger's death and the sensitivity of topics that will be discussed.



Born in 1923 to a Jewish family in Germany, Kissinger suffered the beginnings of the Nazis' anti-Semitic regime. He narrowly escaped the Holocaust when he and his family immigrated to the United States in 1938, and he went on to fight in the U.S. Army during World War II. After the war had ended and Kissinger had gained U.S. citizenship, Kissinger earned a B.A., M.A., and Ph.D. at Harvard University, leading to his employment as a faculty member in the college's Department of Government and Center for International Affairs. Through the 1950s and 1960s, Kissinger established himself as a prominent leader in foreign policy – he has worked with the National Security Council, the Council of Foreign Relations, the U.S. Department of State, and more. Kissinger later served as former President Richard Nixon's National Security Advisor in 1968 and then as the first foreign-born Secretary of State between 1973 and 1977. Among other accolades, Kissinger has received the 1973 Nobel Peace Prize and the 1977 Presidential Medal of Freedom. Despite being accused of numerous breaches of international humanitarian law throughout his career, Kissinger was never tried.

Case Studies

I. Cambodia

During the Vietnam War, Kissinger ordered bombings on the neutral nation of Cambodia in attempts to eliminate Viet Cong troops hiding in the country.

In light of growing public opposition to the conflict, which is now typically viewed as a proxy war masking Cold War sectionalism, President Richard Nixon wanted to escalate covert



air raids in Southeast Asia. As a result, Kissinger implemented his infamous “anything that flies, on anything that moves” policy in Cambodia, directly breaking promises to Congress that no U.S. plane would attack more than thirty kilometers outside of the Vietnamese

border. A 1973 Pentagon report reveals that Kissinger approved more than 3,000 bombing raids in Cambodia while deliberately supporting efforts to keep these raids out of the media. Historians estimate that up to 150,000 Cambodians were killed in indiscriminate bombings facilitated by the U.S., many of which targeted rural villages rather than military centers.

Kissinger’s policies invoked strong anti-American resentment in rural Cambodians who lost their homes and loved ones to U.S. air raids. Even beyond the end of the Vietnam War, this resentment



led a large portion of the Cambodian population to turn to the Khmer Rouge, a communist regime that promised to build a world free from American influence. The Khmer Rouge finally managed to seize the Cambodian capital in 1975, and a genocide that killed around two million Cambodians immediately followed. The destabilization that contributed to the rise of the Khmer Rouge is often considered to have been impossible without Henry Kissinger’s foreign policy.

II. Pakistan/Bangladesh

Henry Kissinger's involvement in the Western Pakistani massacre of the Bengali people has raised serious controversy. At the time, Pakistan was divided into two primary groups that despised one another – the militaristic Western Punjabis and the Eastern Bengalis (who later formed the nation of Bangladesh).



In 1970, the country held elections for members of its National Assembly. The Eastern Bengali Awami League of Sheikh Mujibur Rahman ultimately emerged victorious, infuriating Punjabi military leaders who did not wish to be represented by Bengali leaders. Less than a year later, the Western Punjabi began a brutal genocide of the Bengali people. They killed up to three million, sexually assaulted hundreds of thousands, demolished villages, and forced around ten million to flee to India for refuge.

Despite having knowledge of such events, then Secretary of State Kissinger aided the Punjabi military throughout the duration of the conflict, providing Punjabis with political support



under then President Nixon and American weapons in direct violation of a congressional arms embargo. Kissinger's aid was likely a result of the Punjabi military's support in a covert mission that Kissinger undertook to China that same year. However, Kissinger never formally

acknowledged the damages of the genocide and has consistently attempted to cover up his actions in Pakistan.

III. Chile

Towards the end of the Cold War, Kissinger has also played a key role in the United States's involvement in Chilean politics. Kissinger initially tried to prevent Salvador Allende from winning the Chilean presidency due to Allende's ties with the Soviet Union, citing concerns



about the potential negative impacts of a socialist Chilean government on the capitalist Western world. When Allende still managed to become the President of Chile, Kissinger supported a coup that caused the collapse of the Chilean democracy and aided the implementation of Augusto Pinochet's dictatorial regime.

Throughout his 17-year rule, Pinochet used excessive violence to maintain his power – over 3,000 disappeared or were killed, an additional 38,000 were held as political prisoners and were often tortured, and an estimated 200,000 Chilean exiles were forced to flee their homes. Henry Kissinger's policy on Chile is commonly referred to as the driving force behind the uprise of militaristic rule in Chilean government.

Questions to Consider

1. What jurisdiction, if any, does the ICC have to hear this case?
2. How has Kissinger's involvement in U.S. foreign policy impacted the world?
3. What evidence can your country cite to support your stance on Kissinger's legacy?
4. What counter arguments might the opposing counsel present?
5. How can the ICC regulate future issues of foreign policy?

Works Cited

Doubek, James. “Chile coup 50 years later: The U.S. role and its unintended consequences.”

NPR, 10 September 2023,

<https://www.npr.org/2023/09/10/1193755188/chile-coup-50-years-pinochet-kissinger-human-rights-allende>. Accessed 24 December 2023.

“Henry A. (Heinz Alfred) Kissinger - People - Department History - Office of the Historian.”

History State Gov, <https://history.state.gov/departments/history/people/kissinger-henry-a>. Accessed 24 December 2023.

“Henry Kissinger – Biographical - NobelPrize.org.” *Nobel Prize*,

<https://www.nobelprize.org/prizes/peace/1973/kissinger/biographical/>. Accessed 24 December 2023.

“How the Court works.” | *International Criminal Court*,

<https://www.icc-cpi.int/about/how-the-court-works>. Accessed 24 December 2023.

“HRW: ICC: Q&A about the ICC.” *Human Rights Watch*,

<https://www.hrw.org/legacy/campaigns/icc/qna.htm>. Accessed 24 December 2023.

Reyes, Raul A. “Henry Kissinger's policies on Chile, Vietnam had deep impact on Latin America, U.S. Latinos.” *NBC News*, 30 November 2023,

<https://www.nbcnews.com/news/amp/rcna127356>. Accessed 24 December 2023.

Tharoor, Ishaan. “Henry Kissinger’s role in the Bangladesh genocide of 1971.” *Washington Post*, 1 December 2023,

<https://www.washingtonpost.com/world/2023/12/01/bangladesh-kissinger-henry-genocide-pakistan-east-legacy/>. Accessed 24 December 2023.