**Case 1: ICC v. William McKinley**

*The following is to be accepted as the baseline facts of the case. Additional information resources are provided in the links below; please limit the scope of your review and arguments to this baseline summary and the provided additional resources. Although these actions are historical, we will apply the Rome Statute to them:*

**William McKinley** was the 25th President of the United States serving from March 1897 until his assassination in 1901. While McKinley was in office, the United States engaged in the Spanish-American War (3 months in 1898) and the Philippine-American War (1899-1902).

During the Spanish-American War, the Philippines was a territory of Spain. They began to revolt against the Spanish before the Spanish-American war started and were allies of the United States during the conflict. After America defeated Spain, the Philippines became an American territory. When Filipinos learned they were not given their independence, they revolted against the United States, beginning the Philippine-American War.

The United States quickly captured the capital of Manila, pushing the Filipino army, led by **Emilio Aguinaldo**, into the surrounding mountains and countryside. The Filipino military did not have as advanced weaponry as the American military, so the Filipino army used guerilla warfare (booby traps, night attacks, ambushes, etc). The fighting took place in villages that also hid the soldiers instead of on traditional battlefields. In order to blend in with citizens and avoid the attention of the American military, Filipino militants did not wear uniforms.

The US fought by burning villages, sending suspected militants and supporters to internment camps, establishing strict curfews, and killing anyone that was not carrying a state-issued identity card. The US relocated some civilians from their homes to “zones of protection” to prevent guerilla fighters from infiltrating the villages. In these zones, many civilians died as a result of disease.

During the Philippine-American War an estimated 220,000 Filipinos died and 4,500 Americans were killed. Of those, around 200,000 Filipino civilians died of disease and famine. The war ended in 1902 after the capture of Aguinaldo and the surrender of his successor, **Miguel Malvar y Carpio**. The United States established a government consisting of appointed American officials and elected politicians.

William McKinley was president and commander-in-chief for the majority of the Philippine-American War. During the war, McKinley appointed a Military Governor, who was responsible for overseeing the civil and military affairs. General **Elwell Otis** was the governor at the start of the war. In 1900, when fighting transitioned from traditional tactics to guerilla tactics, President McKinley replaced him with General **Arthur MacArthur**.

**Additional Resources:**

1. [www.whitehouse.gov/1600/presidents/williammckinley](http://www.whitehouse.gov/1600/presidents/williammckinley)
2. [www.britannica.com/event/Philippine-American-War](http://www.britannica.com/event/Philippine-American-War)
3. [www.britannica.com/biography/Emilio-Aguinaldo](http://www.britannica.com/biography/Emilio-Aguinaldo)
4. [www.history.com/topics/spanish-american-war](http://www.history.com/topics/spanish-american-war)
5. [history.state.gov/milestones/1899-1913/war](http://history.state.gov/milestones/1899-1913/war)
6. <https://www.history.navy.mil/browse-by-topic/wars-conflicts-and-operations/early-20th-century-conflicts/philippine-insurrection.html>
7. [www.worldfuturefund.org/wffmaster/Reading/war.crimes/US/U.S.Philippines.htm](http://www.worldfuturefund.org/wffmaster/Reading/war.crimes/US/U.S.Philippines.htm)
8. [pages.jh.edu/~gazette/2006/10apr06/10paul.html](http://pages.jh.edu/~gazette/2006/10apr06/10paul.html)
9. [historymatters.gmu.edu/d/58/](http://historymatters.gmu.edu/d/58/)
10. [www.historyisaweapon.com/defcon1/franciscofirstvietnam.html](http://www.historyisaweapon.com/defcon1/franciscofirstvietnam.html)

The International Criminal Court is charging William McKinley with three counts of Crimes Against Humanity and two counts of War Crimes for the alleged crimes committed during his time as President of the United States during the Philippine-American War as follows:

**Crimes Charged:**

Three (3) counts of **Crimes Against Humanity**:

Article 7(1)(a) – Murder

Article 7(1)(e) – Imprisonment of other severe deprivation of physical liberty in violation of fundamental rules of international law

Article 7(1)(f) – Torture

Two (2) counts of **War Crimes**:

Article 8(2)(a)(i) – Willful killing

Article 8(2)(a)(iv) – Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly

**Case 2: ICC v. Winston Churchill**

*The following is to be accepted as the baseline facts of the case. Additional information resources are provided in the links below; please limit the scope of your review and arguments to this baseline summary and the provided additional resources. Although these actions are historical, we will apply the Rome Statute to them:*

**Winston Churchill** was born in 1874 to a wealthy British family. He served in the British Army and worked as a writer before being elected to Parliament in 1900. He held positions as the head of different branches of the British military and other significant leadership roles in the government. Churchill was appointed Prime Minister in 1940 and finished his first term in 1945 after the defeat of Nazi Germany in World War II. He had a second term as Prime Minister from 1951-1955.

In September 1939, Britain declared war on Nazi Germany following **Hitler**’s, Germany’s leader, invasion of Poland. Shortly after Churchill became Prime Minister, the Nazis started bombing factories, towns, and cities in Britain in a campaign known as “the Blitz.” The Blitz resulted in the destruction of military targets as well as over 100,000 civilian deaths and injuries over the course of the war. Britain responded to the attacks by bombing Germany’s military targets and cities. Major German cities were destroyed and approximately 600,000 civilians died due to the British bombs.

The most controversial of the British bombings was the destruction of Dresden, Germany in February 1945, which killed as many as 135,000 civilians. This attack happened shortly after the Yalta Conference, a meeting of Churchill, the US, and the Soviet Union, during which they agreed to only bomb German cities known for having factories and producing military supplies. Dresden was not an industrial city, but Britain claimed the city was a “communication center.” Its destruction was said to have prevented the German government from being able to communicate with its troops. Critics of the bombing say it was overly destructive and an attempt to destroy the German morale.

Although the King of England, **George VI**, was the commander-in-chief of the British military during WWII, Winston Churchill made and approved military decisions. From 1942-1945, **Arthur Harris** was in charge of the British Bomber Command and organized the details of the German bombings.

**Additional Resources:**

1. [www.britannica.com/biography/Winston-Churchill#toc60595](http://www.britannica.com/biography/Winston-Churchill#toc60595)
2. [www.bbc.co.uk/history/worldwars/wwtwo/area\_bombing\_01.shtml](http://www.bbc.co.uk/history/worldwars/wwtwo/area_bombing_01.shtml)
3. [www.history.com/topics/world-war-ii/battle-of-dresden](http://www.history.com/topics/world-war-ii/battle-of-dresden)
4. [www.theguardian.com/world/2003/oct/22/worlddispatch.germany](http://www.theguardian.com/world/2003/oct/22/worlddispatch.germany)
5. <https://www.history.com/news/dresden-bombing-wwii-allies>
6. <https://www.theguardian.com/books/2013/sep/27/bombing-war-europe-richard-overy-review>
7. [www.bbc.co.uk/history/worldwars/wwtwo/ff3\_blitz.shtml](http://www.bbc.co.uk/history/worldwars/wwtwo/ff3_blitz.shtml)
8. [www.historyplace.com/worldwar2/timeline/about-blitz.htm](http://www.historyplace.com/worldwar2/timeline/about-blitz.htm)
9. [www.winstonchurchill.org/publications/finest-hour/finest-hour-137/churchill-proceedings-churchill-and-bombing-policy](http://www.winstonchurchill.org/publications/finest-hour/finest-hour-137/churchill-proceedings-churchill-and-bombing-policy)
10. [www.bbc.co.uk/history/historic\_figures/harris\_arthur\_bomber.shtml](http://www.bbc.co.uk/history/historic_figures/harris_arthur_bomber.shtml)

The International Criminal Court is charging Winston Churchill with one count of Genocide, one count of Crimes Against Humanity, and three counts of War Crimes for the alleged crimes committed during his time as Prime Minister during World War II as follows:

**Crimes Charged:**

One (1) count of **Genocide**:

Article 6(c) – Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part

One (1) count of **Crimes Against Humanity**:

Article 7(1)(a) – Murder

Three (3) counts of **War Crimes**:

Article 8(2)(b)(i) – Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities

Article 8(2)(b)(ii) – Intentionally directing attacks against civilian objects, that is, objects which are not military objectives

Article 8(2)(b)(v) – Attacking or bombarding, by whatever means, towns, villages, dwellings, or

buildings which are undefended and which are not military objectives

**Case 3: ICC v. Mao Zedong**

*The following is to be accepted as the baseline facts of the case. Additional information resources are provided in the links below; please limit the scope of your review and arguments to this baseline summary and the provided additional resources. Although these actions are historical, we will apply the Rome Statute to them:*

**Mao Zedong** was born on December 26, 1893. His parents were former peasants who rose to become wealthy grain merchants. In 1921, he became one of the founders of the Chinese Communist Party. In 1949, Mao became the Chairman of the Communist Party of China, making him the leader of the country until his death in 1976.

During his time as leader, Chairman Mao was the sole decider of policy. In 1958, he instituted a policy known as the Great Leap Forward. This was a campaign to transform China from an agricultural society to an industrialized, socialist society. This policy got rid of private farms and forced peasants into state-run communal farms. These communes, often consisting of over 5,000 households each, had issues with food shortages, unsanitary conditions, and a lack of necessary resources. When citizens tried to escape from these communes, they were recaptured and punished. The conditions within these communes are claimed to have led to the deaths of many peasants.

These changes were followed by the Great Chinese Famine, which lasted from 1959 until 1962. During this time period, it is estimated that 30 million people died from starvation. Many of those who died were from China’s rural, lower class. Despite this, Chairman Mao instituted policies that prioritized the distribution of food to the upper class and elites. According to reports, many officials repeatedly lied to Mao about the scarce amount of food available in rural areas in return for a higher position in the Communist Party or to avoid punishment. The policies of the Great Leap Forward were finally abandoned after 1962.

Historians debate the extent to which Mao can be held responsible for the deaths during the Great Chinese Famine. Some say that the fact that the Communist Party encouraged officials to lie about food and steel production makes it possible that Mao had no knowledge of the devastating effects of his policies. Others argue that this is not the case. Because of the many conflicting reports of Mao’s knowledge and the reports of Communist officials, historians cannot reach a consensus on whether Mao is to blame.

**Additional Resources:**

1. [www.britannica.com/biography/Mao-Zedong](http://www.britannica.com/biography/Mao-Zedong)
2. <https://www.bbc.co.uk/history/historic_figures/mao_zedong.shtml>
3. [www.britannica.com/topic/Chinese-Communist-Party](http://www.britannica.com/topic/Chinese-Communist-Party)
4. [www.britannica.com/event/Great-Leap-Forward](http://www.britannica.com/event/Great-Leap-Forward)
5. [www.independent.co.uk/arts-entertainment/books/news/maos-great-leap-forward-killed-45-million-in-four-years-2081630.html](http://www.independent.co.uk/arts-entertainment/books/news/maos-great-leap-forward-killed-45-million-in-four-years-2081630.html)
6. <https://mronline.org/2006/09/21/did-mao-really-kill-millions-in-the-great-leap-forward/>
7. <https://www.nytimes.com/2010/12/16/opinion/16iht-eddikotter16.html>
8. [www.npr.org/2012/11/10/164732497/a-grim-chronicle-of-chinas-great-famine](http://www.npr.org/2012/11/10/164732497/a-grim-chronicle-of-chinas-great-famine)
9. <https://pierreyared.s3.us-east-2.amazonaws.com/famines.pdf>
10. [www.ncbi.nlm.nih.gov/pmc/articles/PMC1127087/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1127087/)

The International Criminal Court is charging Mao Zedong with two counts of Genocide and three counts of Crimes against Humanity for his actions during the Great Leap Forward as Chairman of the Communist Party as follows:

**Crimes Charged:**

Two (2) counts of **Genocide**:

Article 6(a) - Killing members of the group

Article 6(c) - Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part

Three (3) counts of **Crimes Against Humanity**:

Article 7(1)(b) - Extermination

Article 7(1)(h) - Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court

Article 7(1)(k) - Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health