

BLUE BELLS INTERNATIONAL MODEL UNITED NATIONS 2026

**UNITED NATIONS HUMAN RIGHTS COUNCIL
(UNHRC)**

*Procedural Guidelines
&
Agenda Background Guide*

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LETTER FROM THE EXECUTIVE BOARD

TO,
The Delegates
United Nations Human Rights Council
Blue Bells International Model United Nations, 2026

Greetings from the Executive Board!

With immense pleasure to serve you as the Executive Board, we welcome you to the simulation of the United Nations Human Rights Council, to be held at Blue Bells International Model United Nations, 2026. We shall be discussing a dynamic agenda:

“Strengthening international accountability for war crimes and atrocities against civilians in armed conflict”.

This guide consists of two parts. The Procedural Guide appears initially, highlighting the general Rules of Procedure and the specific rules applicable to this committee at the conference. This is followed by the Agenda Background Guide, which establishes a common understanding of the agenda and concludes with questions intended to make the discussion more thought-provoking and substantive.

The purpose of this guide is to aid your understanding and further research, and not to restrict the scope of discussion. While researching, do not limit yourself to collecting facts and existing arguments. Try to reinterpret the material you encounter and develop arguments of your own.

We also request you not to treat this guide as a source of citations in committee. The guide contains a mixture of facts, analysis and arguments presented to facilitate understanding. The sources provided in the footnotes are intended to assist you in exploring the subject further.

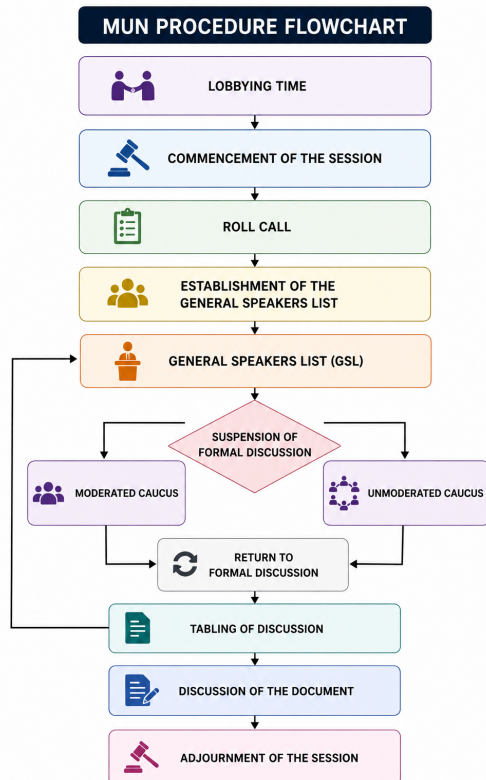
Lastly, remember that **searching is not research**. Do not restrict yourself to the first few results on Google. Read, question, analyse and, most importantly, think.

We look forward to seeing you in committee.
Happy researching!

Executive Board
(United Nations Human Rights Council)

PROCEDURAL GUIDE

GENERAL RULES OF PROCEDURE (RoPs) FOR MODEL UNITED NATIONS (MUNs)



For the purpose of assisting the delegates participating in MUNs for the first-time, we, as the Executive Board of UNHRC, have prepared a concise and crisp, all-inclusive section specifically describing all important aspects of the general rules of procedure. The most difficult aspect of being well-versed with rules of procedure is to gain the ability to understand and retain complex terms used throughout the committee. It is requested that you familiarise yourselves with the terms and their respective meanings.

LOBBYING TIME

Once the delegates arrive at the designated venue of the committee, there is some time before the Executive Board arrives, and the formal session begins. This time is known as lobbying time. Delegates are advised to utilise this time to familiarise themselves with the thoughts of their co-delegates regarding the various aspects of the agenda and how they plan to carry the discussion ahead. Prior to the availability of WhatsApp groups, lobbying time assisted delegates in deciding what direction they together aim to direct the committee towards.

ROLL CALL

Synonymous with attendance, roll call is meant to keep a track of all participating countries whose delegates are there in the committee. Yet again, unlike normal attendance, roll call offers the delegates to answer as either ‘present’ or ‘present and voting’, which primarily makes a difference in substantive voting.

- If a delegate answers their roll call as ‘*present*’, then they can vote as yes, no or abstain from voting.
- But, if a delegate answers their roll call as ‘*present and voting*’, then they can only vote as either yes or no.

Such a differentiation is specifically for substantive voting and not important for normal procedural voting. The difference between procedural and substantive voting can be understood in the most simple manner, i.e., until explicitly spoken by the Executive Board, all voting in the committee is procedural only.

MOTION(S)

Synonymous to proposals, motions are a formal manner of referring to such proposals that will assist in the operation of the committee. In all situations, it is the Executive Board that opens the floor for delegates to raise their placards for raising their motions. The committees in MUNs primarily operate on delegates raising motions and getting them passed through the procedural voting. For instance, below are the motions that shall be definitely required for the smooth operation of the committee, exactly in the order in which they are supposed to be raised:

Nature of Motion	Verbatim for Raising Motion
Motion for Commencement of the Session	With the prior permission of the Executive Board, the Delegate of (your country) would like to raise a motion for the commencement of the session.
Motion for Establishment of the General Speakers' List (GSL)	With the prior permission of the Executive Board, the Delegate of (your country) would like to raise a motion for the establishment of the General Speakers' List, with each speaker's time being (60/90/120 seconds).
Motion for Moderated Caucus	With the prior permission of the Executive Board, the Delegate of (your country) would like to raise a motion to suspend the formal debate and move into a moderated caucus, on the topic (mention the topic), with each speaker's time being (30/45/60/90 seconds), and total time being (10/15/20 minutes).
Motion for Unmoderated Caucus	With the prior permission of the Executive Board, the Delegate of (your country) would like to raise a motion to suspend the formal debate and move into an unmoderated caucus with total time being (10/15/20 minutes).
Motion for Tabling of Debate	With the prior permission of the Executive Board, the Delegate of (your country) would like to raise a motion for tabling the debate.

GENERAL SPEAKER'S LIST

All formal discussion during the course of the committee is carried out through the GSL, and this list is open throughout the duration of the committee, until the motion for closure of discussion is not passed. By default, each speaker is allocated 90 seconds which can be increased or decreased to 60 or 120 seconds respectively.

GSL speeches can include a variety of things related to the agenda and are NOT limited to just explaining your country's actions related to the agenda at hand. The speeches in GSL ideally should aim to elaborate the agenda in such a way that new dimensions can be tapped into, while explaining domestic policies that have potential to be modified for global application or consideration.

YIELD

After any speech of the GSL, if a delegate has some time remaining, they have the option to 'yield' such time. A delegate has three ways to yield their time:

1. **Yield to Another Delegate** – meaning that their remaining time shall be given to the delegate of their choice to speak in the committee;
2. **Yield to Points of Information** – meaning that you would like to take questions from your fellow delegates; or
3. **Yield to the Executive Board** – meaning that the Executive Board shall absorb your remaining time and move ahead.

POINT(S)

Synonymous with privileges, points are basically formal means, meant to cater to the need of the delegates in such a way so as to assure smooth functioning of the discussion and the committee. There are primarily four points:

1. **Point of Personal Privilege** – used to address any sort of personal discomfort or issues personal to you that restricting you to operate in the committee in the best of possibilities;
2. **Point of Order** – used to bring to attention procedural and/or substantive fallacies with the motive to correct them;
3. **Point of Information** – used to ask questions to others delegates but is only granted either in accordance to procedure or upon the discretion of the Executive Board; and
4. **Point of Parliamentary Enquiry** – used to ask doubts and concerns associated with the operations of the committee.

MODERATED CAUCUS

These are the means of discussing the agenda in detail, wherein the moderated caucus are always on a sub-topic of the agenda, thus, promoting more detail-oriented discussion, unlike GSL, wherein there is no cap to discussion and areas of discussion. Further, unlike GSL,

moderated caucuses always have a total time, maximum of which is 20 minutes. The individual speaker's time is capped at a maximum of 90 seconds and the most preferred time for individual speeches is 60 seconds.

UNMODERATED CAUCUS

These are the means of establishing an in-between committee proceeding, a lobbying time, wherein the delegates can freely move around in the committee. Such a session is not moderated by the Executive Board and doesn't require the delegates to provide a reason for establishing an unmoderated caucus. Further, unlike starting lobbying time, unmoderated caucus always have a total time, maximum of which is 20 minutes.

SUBSTANTIVE CHIT(S)

"Substantive" is basically meant to refer to substance or content related to the agenda at hand. Such a substance consists of facts and arguments that are beneficial for the construct of discussion in the committee. Such chits are sent by one delegate directly to the Executive Board. The primary reason for sending substantive chits to the Executive Board is to gain the edge by showcasing your research to the Executive Board and get evaluated for the same.

VIA-EB CHIT(S)

These chits are meant for the delegates to get their conversations, primarily questions and replies, evaluated by the Executive Board. Such chits are sent by one delegate to another, specifically mentioning "*Via-EB*" on the chit to assure it is evaluated by the Executive Board. Before sending these chits, the delegates should determine whether the content written by them is worth the evaluation of the Executive Board and only then they should send the chits via-EB.

SPECIFIC RULES AND GUIDELINES FOR UNHRC AT BBIMUN'26

In order to have a smoothly functioning committee, we, as the Executive Board, have drafted specific rules and guidelines that shall be implemented uniformly through the duration of the committee. These are non-negotiable and are implemented for the conduct of an elaborate and in-depth discussion.

PRELIMINARY GUIDELINES

1. No Position Papers are required and the same shall not be marked under any evaluation criteria.
2. No Point(s) of Information shall be accommodated/entertained during a Moderated Caucus. (*If you want to pose questions or put forth replies, please structure your speeches accordingly in such a manner that you can incorporate it in the same.*)
3. No Point(s) of Order shall be accommodated in a verbal medium. Delegates are directed to send them in the form of a chit. There shall be a specific format in which a Point of Order can be sent. Not following the said format shall account to non-evaluation. Such chits shall neither be Substantive nor Via-EB, hence not part of the capped limits on the respective type of chits. (*Format for Point of Order chit is provided under Annexure-A, 1.*)
4. No Right of Reply shall be accommodated in a verbal medium. A Right of Reply may be requested by a delegate when a remark made by another delegate constitutes a direct and serious attack upon the dignity or integrity of the delegate. The request shall be submitted to the Chairperson, who shall have the discretion to determine its admissibility. If granted, the Chairperson shall determine the manner and duration of the reply. The decision of the Chairperson shall be final. A Right of Reply shall not be used merely to respond to disagreement, criticism, or opposing arguments. Delegates are directed to send them in the form of a chit. If the Executive Board feels that there is legitimate grounds for a Right of Reply, only then the Delegate in question shall be allowed to speak the exact contents written on the chit. There shall be a specific format in which a Right of Reply can be sent. Not following the said format shall account to non-consideration. Such chits shall neither be Substantive nor Via-EB, hence not part of the capped limits on the respective type of chits. (*Format for Right of Reply chit is provided under Annexure-A, 2.*)
5. There shall be a capped limit to the number of Substantive and Via-EB chits that a delegate shall be permitted to send in the duration of the two-day conference. If such a limit is exceeded, the received chits beyond the capped limit shall not be considered for evaluation. The capped limit are respectively mentioned below:
 - a. Substantive Chit(s):
 - i. Day - 1: 3 Chit(s)
 - ii. Day - 2: 3 Chit(s)
 - b. Via-EB Chit(s):

- i. Day - 1: 5 Chit(s)
- ii. Day - 2: 3 Chit(s)

It is very clearly stated that *NO* rollover of capped limit is permitted in any condition whatsoever, i.e., the delegates shall not be permitted to send chit(s) beyond the capped limit of the day and category of the same, irrespective whether they fully utilised the limits of the previous day.

6. The Via-EB Chit(s) are a label that includes questions, replies to questions, comments, and anything else that one delegate wants to communicate to the other and considers worthy enough to be perused by the Executive Board for evaluation. (*Format for Via-EB Chit(s) is provided under Annexure-A, 3.*)
7. The Substantive Chit(s) are meant to display all excess research that a delegate might not have gotten a chance to display in verbatim due to limited chances and considers worthy enough to be perused by the Executive Board for evaluation. (*Format for Substantive Chit(s) is provided under Annexure-A, 4.*)
8. No repetitions shall be accommodated in a verbal medium. Delegates are directed to seek them in the form of a chit. Such chits are not supposed to be sent via-EB in any case.
9. Since the committee shall be having nearly 75 delegates, the process of recognition shall be the following:
 - a. For GSL: Our attempt shall be to accommodate everyone but, if there is a factor of time-limitations, those remaining on the list shall be asked to upload their speeches on the link of Google Drive, provided on the day of the conference. Such speeches shall be evaluated as if they were spoken in the committee.
 - b. For Moderated Caucus: 1/3rd of total strength, i.e., approximately 25 delegates will be recognised for each moderated caucus. The rest of the 2/3rd strength shall be asked to upload their speeches on the link of Google Drive, provided on the day of the conference. Such speeches shall be evaluated as if they were spoken in the committee.

Please keep in mind the numbers in exact amounts stand variable contingent to the total strength of the committee.

10. The process regarding document preparation, including the type of document and everything else associated shall be notified on the end of the first day. Preparation of the document depends purely on how well the committee was able to discuss the agenda in depth.

MARKING AND EVALUATION

As a matter of transparency, we shall be enumerating the different criteria under and upon which each delegate shall be evaluated in this committee. Such criteria are mentioned as follows along with the weightage given to them:

1. Speech: Each speech, verbal or soft-copy (*softy-copy are exceptionally asked specifically by the Executive Board*), shall be marked absolutely and evaluated out of

10 marks and there shall be three primary sub-division criteria for evaluation of any speech, i.e.,

Research	Analysis	Relevance
4 Marks	3 Marks	3 Marks

- Chits: Keeping the chits under a certain cap shall allow the Executive Board to observe the consistency of the delegates in terms of fruitful participation in the committee. The chits shall be evaluated absolutely and in the following manner:

Substantive Chit	Via-EB Chit
5 Marks per Chit	3 Marks per Chit
Total: 6 x 5 Marks = 30 Marks	Total: 8 x 3 Marks = 24 Marks

- Other Criteria:

Contribution to Debate Flow	Knowledge of Portfolio	Lobbying Skills
5 Marks	5 Marks	5 Marks

ANNEXURE - A (Formats)

- Point of Order

FROM: (sender's country) TO: (receiver's country) Point of Order "Exact incorrect quotation including the incorrect fact" Correct statement providing correct fact
--

- Right of Reply

FROM: (sender's country)
TO: Executive Board
Right of Reply
Contents of Right of Reply

3. Via-EB Chit(s)

FROM: (sender's country)
TO: (receiver's country)
Via-EB
Contents of Via-EB Chit

4. Substantive Chit(s)

FROM: (sender's country)
TO: Executive Board
Substantive Chit
Contents of Substantive Chit

AGENDA BACKGROUND GUIDE

CHAPTER - 1

INTRODUCTION TO THE AGENDA

1.1 UNDERSTANDING THE AGENDA

The agenda, “Strengthening international accountability for war crimes and atrocities against civilians in armed conflict,” concerns the gap between the rules governing armed conflict and the consequences that follow when those rules are violated. International Humanitarian Law (IHL) seeks to limit the effects of armed conflict by protecting persons who are not, or are no longer, participating in hostilities and by restricting the means and methods of warfare.¹ The question before the international community is therefore not merely whether rules exist, but whether mechanisms are sufficiently capable of identifying violations, attributing responsibility and ensuring accountability.

1.2 WAR CRIMES AND ATROCITIES AGAINST CIVILIANS

Civilians are protected under IHL and must be distinguished from combatants during military operations. Parties to an armed conflict are prohibited from directing attacks against civilians and civilian objects, while attacks that are indiscriminate or expected to cause excessive incidental civilian harm are also restricted.² War crimes constitute serious violations of IHL giving rise to individual criminal responsibility. The Rome Statute, for instance, includes intentionally directing attacks against civilians and certain acts of killing, torture, unlawful displacement and hostage-taking within its definition of war crimes.³ At the same time, the expression “atrocities against civilians” is broader and may encompass grave conduct requiring investigation and accountability even where its precise legal classification may differ according to the circumstances.

1.3 CONCEPT OF INTERNATIONAL ACCOUNTABILITY

Accountability involves more than establishing that a violation has occurred. It encompasses processes through which alleged perpetrators may be investigated, prosecuted and, where appropriate, punished, while also addressing the interests and rights of victims. Responsibility may arise at different levels. Individuals may bear criminal responsibility for war crimes, including in certain circumstances through orders or failures of superiors to prevent or punish violations. States may also have obligations to investigate and repress serious violations of IHL.⁴ Domestic courts, international courts and other accountability mechanisms can therefore operate alongside one another.

¹ International Committee of the Red Cross (ICRC), *FAQ: Rules of War*, explaining the purpose of IHL and its protection of persons not or no longer participating in hostilities.

² ICRC, *Conduct of Hostilities and Protection of Civilians*; see also ICRC, *Customary IHL Database, Rule 7: The Principle of Distinction between Civilian Objects and Military Objectives*.

³ United Nations, *Rome Statute of the International Criminal Court*, Article 8, defining war crimes and listing serious violations including intentionally directing attacks against civilians.

⁴ ICRC, *Penal Repression of Serious Violations of International Humanitarian Law – Factsheet*, 29 May 2026.

1.4 WHY DOES ACCOUNTABILITY MATTER?

The existence of legal prohibitions cannot by itself ensure compliance. Effective accountability can contribute towards preventing impunity, recognising victims, establishing facts and deterring future violations. Yet accountability is often complicated by the realities of armed conflict: evidence may be difficult to obtain, perpetrators may remain in positions of power, and national authorities may lack either the capacity or willingness to pursue proceedings. The resulting challenge can be understood as the difference between prohibiting an act and ensuring consequences for that act.

1.5 CONTEMPORARY ACCOUNTABILITY PROBLEM

The international community has developed multiple avenues through which serious violations may be documented and addressed. The United Nations Human Rights Council, for example, has established commissions of inquiry, fact-finding missions and investigative mechanisms to examine serious violations of international human rights law and IHL.⁵ Such mechanisms can contribute to establishing facts, identifying patterns of violations and preserving information relevant to accountability. However, investigation does not automatically result in prosecution. The International Criminal Court itself does not prosecute States but individuals, operates according to the principle of complementarity, and depends substantially upon State cooperation for the execution of its decisions.⁶ The central challenge of this agenda is consequently to examine where the existing accountability chain breaks down—and how it can be strengthened.

⁵ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice*; see also OHCHR, *FAQ – UN Human Rights Monitoring Mission in Ukraine*.

⁶ International Criminal Court, *Situation in Georgia* — explanation of individual criminal responsibility, complementarity and the Court's dependence upon State cooperation.

CHAPTER - 2

INTERNATIONAL ACCOUNTABILITY FRAMEWORK

2.1 INTERNATIONAL HUMANITARIAN LAW AND PROTECTION OF CIVILIANS

The protection of civilians during armed conflict is primarily governed by International Humanitarian Law (IHL). The four Geneva Conventions of 1949 form its central treaty framework, supplemented by the Additional Protocols of 1977 and other instruments, alongside customary international law. IHL applies to both international and non-international armed conflicts and binds both State forces and applicable non-State armed groups.⁷ At the centre of the law governing hostilities lies the principle of distinction: parties must distinguish between civilians and combatants and between civilian objects and military objectives. IHL also restricts indiscriminate attacks and requires proportionality and feasible precautions to reduce civilian harm.⁸ These rules provide the substantive standard against which conduct during armed conflict may be assessed.

2.2 INTERNATIONAL CRIMINAL LAW AND INDIVIDUAL RESPONSIBILITY

A violation of IHL does not automatically constitute an international crime. Certain serious violations, however, may amount to war crimes and give rise to individual criminal responsibility. The Rome Statute provides one of the most comprehensive codifications of such conduct, including grave breaches of the Geneva Conventions and other serious violations applicable to international and non-international armed conflicts.⁹ International criminal law therefore focuses on individual perpetrators, rather than treating criminal responsibility as belonging to a State as such. Responsibility may extend beyond the person physically carrying out an act, including in circumstances involving ordering, inducing or otherwise contributing to the commission of crimes, subject to the applicable legal requirements.¹⁰

2.3 THE INTERNATIONAL CRIMINAL COURT

Established by the Rome Statute of 1998, the International Criminal Court (ICC) is a permanent court that investigates and, where warranted, prosecutes individuals for genocide, crimes against humanity, war crimes and the crime of aggression.¹¹ The Court operates on the principle of complementarity. National courts retain the primary responsibility for

⁷ International Committee of the Red Cross (ICRC), *Treaties and Customary Law*; ICRC, *1977 Additional Protocols to the Geneva Conventions of 1949*.

⁸ ICRC, *International Law on the Conduct of Hostilities: Overview*; see also Additional Protocol I, Article 51, concerning protection of the civilian population and prohibition of indiscriminate attacks.

⁹ International Criminal Court, *Rome Statute of the International Criminal Court*, Article 8; see also the ICRC's overview of the criminal repression of serious violations of IHL.

¹⁰ Rome Statute, Articles 25 and 28, concerning individual criminal responsibility and responsibility of commanders and other superiors. United Nations, *Rome Statute of the International Criminal Court*.

¹¹ International Criminal Court, *Situation in Georgia* — overview of the Court's mandate and crimes falling within its jurisdiction.

investigating and prosecuting crimes within their jurisdiction; the ICC generally intervenes only where the relevant State is unwilling or unable genuinely to carry out proceedings, and where the case satisfies the other admissibility requirements of the Statute.¹² The Court consequently functions as part of a broader accountability system rather than as a universal replacement for national courts.

2.4 DOMESTIC PROSECUTION AND UNIVERSAL JURISDICTION

Domestic courts remain an essential component of international criminal accountability. States may prosecute international crimes through their national legal systems, including by incorporating relevant international crimes into domestic legislation.¹³ Universal jurisdiction represents one avenue through which certain States permit their courts to exercise jurisdiction over particularly serious international crimes irrespective of where the crime occurred or, subject to the relevant national law, the nationality of the perpetrator or victims. Its application varies considerably between States and remains an important area of international legal and political debate.¹⁴

2.5 Other International and Hybrid Mechanisms

Accountability is not confined to domestic courts and the ICC. The International Court of Justice (ICJ) addresses disputes between States and may determine State responsibility under treaties such as the Genocide Convention; it does not determine the individual criminal responsibility of persons.¹⁵ Other mechanisms, including international and hybrid tribunals, commissions of inquiry and investigative mechanisms, may contribute by establishing facts, identifying perpetrators or preserving evidence. Together, these mechanisms form a broader accountability architecture, in which investigation, attribution, prosecution and State responsibility may operate through different institutions and at different levels.

¹² International Criminal Court, *Situation in Georgia* — explanation of complementarity and the Court's role where national jurisdictions are unwilling or unable genuinely to investigate or prosecute.

¹³ International Criminal Court Assembly of States Parties, *Report on Complementarity*, discussing the primary responsibility of States to investigate and prosecute Rome Statute crimes.

¹⁴ UN Committee against Torture materials illustrating the incorporation and exercise of universal jurisdiction over international crimes in domestic legal systems.

¹⁵ International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*; the Court distinguishes State responsibility from individual criminal responsibility.

CHAPTER - 3

THE GAPS IN ACCOUNTABILITY

3.1 JURISDICTION AND ENFORCEMENT

The existence of an international crime does not necessarily determine which institution can prosecute it. Domestic courts generally remain the primary avenue for prosecuting serious violations of IHL, while international mechanisms operate subject to their respective mandates and jurisdictional requirements. The ICC, for example, exercises jurisdiction only where the conditions established by the Rome Statute are satisfied.¹⁶ Even when jurisdiction exists, enforcement presents a separate difficulty. An international court may issue an arrest warrant, but the actual arrest and surrender of an accused person may depend upon State cooperation. The Rome Statute expressly places obligations upon States Parties to cooperate with requests for arrest and surrender.¹⁷ This creates an important distinction between having the legal authority to prosecute and possessing the practical ability to secure the accused.

3.2 STATE COOPERATION AND SOVEREIGNTY

International accountability frequently operates through States rather than independently of them. Investigations may require access to territory, witnesses, official records, evidence and suspected perpetrators. Where a State refuses cooperation, restricts access or lacks the capacity to conduct effective proceedings, accountability may become considerably more difficult.¹⁸ At the same time, States retain sovereignty over their territory and domestic legal systems. The challenge is therefore to reconcile national jurisdiction and sovereignty with the international interest in preventing impunity for serious crimes.

3.3 POLITICAL SELECTIVITY AND GEOPOLITICAL CONSTRAINTS

Accountability mechanisms do not operate in a political vacuum. International institutions may depend upon political bodies for mandates, cooperation or referrals, while States may have differing strategic interests in whether a particular situation is investigated or prosecuted. This can create perceptions of selectivity or double standards in international justice. The issue is not necessarily whether every situation can be treated identically, but whether the international system can maintain credibility when political considerations appear to influence which situations receive sustained attention.

¹⁶ International Criminal Court, *Rome Statute of the International Criminal Court*, Articles 12–17, concerning jurisdiction, admissibility and complementarity. See also ICRC, *Penal Repression of Serious Violations of International Humanitarian Law – Factsheet*, 29 May 2026.

¹⁷ Rome Statute, Articles 59 and 89, concerning arrest and surrender of persons to the Court and the cooperation obligations of States Parties.

¹⁸ ICRC, *FAQ: Rules of War*, explaining the primary responsibility of States to investigate and prosecute serious violations of IHL and the complementary role of international mechanisms.

3.4 EVIDENCE, INVESTIGATION AND ATTRIBUTION

Establishing that an atrocity occurred is only one part of accountability. Investigators must also establish what happened, who was responsible, and whether the available evidence satisfies the applicable legal standard. Armed conflicts create particular difficulties: crime scenes may be inaccessible, witnesses may be displaced or threatened, and physical evidence may be destroyed. Effective investigations therefore require timely recording and preservation of information, appropriate investigative procedures and protection of witnesses and other sources.¹⁹ The increasing availability of digital and open-source information may expand the evidentiary record, but also raises questions concerning authenticity, verification, chain of custody and reliability.

3.5 ACCOUNTABILITY FOR NON-STATE ACTORS AND COMMAND STRUCTURES

Modern armed conflicts frequently involve organised armed groups alongside State forces. The fact that an actor is not a State does not, by itself, remove individual responsibility for applicable war crimes.²⁰ Accountability can also extend beyond the individual who physically commits an offence. International criminal law recognises forms of responsibility involving persons who order, assist or otherwise contribute to crimes, as well as command responsibility under defined circumstances.²¹ The resulting question is therefore not simply who committed the act, but also who enabled, ordered, knew of, or failed to prevent or punish it.

¹⁹ ICRC, *Guidelines on Investigating Violations of IHL: Law, Policy and Good Practice*, addressing the recording of information, identification of incidents, investigative procedures and practical challenges in armed-conflict investigations.

²⁰ ICRC, *Internal Conflicts or Other Situations of Violence*, explaining that serious violations of IHL in non-international armed conflicts can constitute war crimes and may give rise to criminal prosecution.

²¹ Rome Statute, Articles 25 and 28, concerning individual criminal responsibility and the responsibility of commanders and other superiors; see also ICRC, *Penal Repression of Serious Violations of IHL – Factsheet*.

CHAPTER - 4

ROLE OF THE UNHRC

4.1 MANDATE AND POWERS OF THE UNHRC

The United Nations Human Rights Council (UNHRC) is the principal intergovernmental body within the United Nations system responsible for promoting and protecting human rights around the world. Established by General Assembly Resolution 60/251, the Council is mandated to address situations of human rights violations, including gross and systematic violations, and make recommendations concerning their prevention and protection.²² Importantly, the UNHRC is not a criminal court. It does not itself determine the criminal guilt of individuals or impose criminal sentences. Its contribution to accountability lies principally in investigation, documentation, monitoring, political engagement and recommendations.

4.2 FACT-FINDING MISSIONS AND COMMISSIONS OF INQUIRY

One of the Council's significant tools is the establishment of commissions of inquiry, fact-finding missions and other investigative mechanisms. These bodies may be created to examine serious violations of international human rights law and IHL, including violations that may amount to international crimes.²³ Their work can involve collecting and verifying information, examining patterns of violations, identifying responsible actors and producing reports that may subsequently inform national, international or other accountability processes.²⁴ Such mechanisms can therefore help bridge the gap between an alleged violation and the evidence required for further action.

4.3 DOCUMENTATION AND PRESERVATION OF EVIDENCE

Documentation is particularly important where conventional investigations are difficult or impossible. UN investigative mechanisms may gather testimony, documentary material, digital information and other forms of evidence while seeking to apply methodologies designed to preserve reliability and credibility.²⁵ The value of such documentation extends beyond establishing what happened. Properly collected information may help identify perpetrators, establish patterns of conduct and preserve evidence before it is lost or destroyed. The challenge lies in ensuring that information collected for human-rights monitoring can also withstand the requirements of subsequent accountability processes.

²² United Nations General Assembly, *Resolution 60/251: Human Rights Council*, paras. 2–3, establishing the Council's mandate to promote universal respect for human rights and address situations of human-rights violations.

²³ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice*.

²⁴ OHCHR, *Human Rights Council: Commissions of Inquiries and Fact-Finding Missions*, describing their role in producing evidence concerning war crimes and crimes against humanity and contributing to formal justice processes.

²⁵ OHCHR, *Commissions of Inquiry and Fact-Finding Missions: Guidance and Practice*, discussing investigative methodology, information gathering, verification and the production of reliable findings.

4.4 COOPERATION WITH STATES AND INTERNATIONAL MECHANISMS

The effectiveness of UNHRC mechanisms can depend substantially upon cooperation and access. Investigative bodies may require access to affected areas, witnesses, documentation and other sources of information. OHCHR guidance emphasises the importance of cooperation from States and adequate resources for investigative mechanisms to fulfil their mandates effectively.²⁶ The Council also operates within a wider international system. Its findings and documentation may contribute to the work of national authorities, international courts, regional mechanisms and other UN bodies. The Council can therefore serve as an important link between human-rights investigation and broader accountability efforts.

4.5 LIMITATIONS OF THE UNHRC

The UNHRC's capacity should not be confused with that of a judicial institution. Its investigative mechanisms generally document, analyse and report; they do not replace criminal prosecutions. Their effectiveness may also be affected by limited access, insufficient resources, lack of cooperation and the absence of direct enforcement powers. This creates a central question for the committee: how can the UNHRC strengthen accountability without exceeding the mandate granted to it? The answer may lie not in transforming the Council into a court, but in strengthening the mechanisms through which its investigations, findings and recommendations contribute to existing national and international accountability processes.

²⁶ OHCHR, *Commissions of Inquiry and Fact-Finding Missions: Guidance and Practice*, noting the importance of State cooperation, adequate resources and institutional support for investigative mechanisms.

CHAPTER - 5

THE WAY FORWARD

5.1 STRENGTHENING NATIONAL ACCOUNTABILITY MECHANISMS

International accountability does not necessarily begin at an international court. Domestic institutions remain central to the investigation and prosecution of serious violations, and strengthening national judicial systems can reduce dependence upon international mechanisms. This may involve improving investigative capacity, incorporating international crimes into domestic legislation, ensuring judicial independence and developing specialised units capable of handling complex international crimes.²⁷

5.2 IMPROVING INTERNATIONAL COOPERATION

Accountability frequently depends upon cooperation between States and international institutions. Arrest and surrender of suspects, access to evidence, witness cooperation and information-sharing may all require cross-border coordination. Strengthening such cooperation can therefore address one of the practical barriers between the identification of an alleged crime and the commencement of proceedings.²⁸ At the same time, cooperation must be considered alongside questions of sovereignty, jurisdiction and differing domestic legal systems. The challenge is to create mechanisms through which international cooperation becomes more consistent, timely and effective.

5.3 PRESERVING EVIDENCE AND PROTECTING INVESTIGATORS

In an active conflict, evidence can disappear before an investigation even begins. Documentation, witness testimony, photographs, digital material and other forms of information may therefore become critical to future accountability proceedings. Investigative mechanisms have increasingly focused on collecting and preserving information in ways that can remain useful beyond the immediate conflict.²⁹ This also raises the question of who investigates the investigators: mechanisms must themselves maintain independence, impartiality, methodological credibility and appropriate safeguards for witnesses and sources.³⁰

²⁷ International Committee of the Red Cross (ICRC), *Penal Repression of Serious Violations of International Humanitarian Law – Factsheet*, explaining the obligation of States to repress serious violations of IHL and the importance of national implementation.

²⁸ International Criminal Court, *Rome Statute of the International Criminal Court*, Articles 86–102, concerning the general obligation of States Parties to cooperate with the Court and procedures relating to arrest and surrender.

²⁹ OHCHR, *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice*, discussing investigative methodologies, collection of information and the preservation of material relevant to accountability.

³⁰ OHCHR, *Commissions of Inquiry and Fact-Finding Missions: Guidance and Practice*, addressing the importance of independence, impartiality, credibility and appropriate investigative methodology.

5.4 ENSURING VICTIM-CENTRED ACCOUNTABILITY

Accountability should not be understood exclusively through the punishment of perpetrators. Victims may also require recognition, access to justice, reparations and protection from further harm. The United Nations has repeatedly emphasised the importance of placing victims and their rights at the centre of accountability processes.³¹ This raises a broader question: should a system be considered successful if perpetrators are prosecuted but victims receive little recognition or redress?

5.5 BRIDGING THE GAP BETWEEN INVESTIGATION AND PROSECUTION

Perhaps the most important challenge is connecting the different stages of accountability. A commission may establish facts; an investigative mechanism may identify responsible individuals; and a domestic or international court may possess jurisdiction. Yet these stages do not automatically lead from one to another. The way forward therefore lies not necessarily in creating an entirely new institution, but in strengthening the connections between existing mechanisms—from documentation and evidence preservation to investigation, attribution, prosecution and reparations. The UNHRC can contribute to this process through its investigative mechanisms, recommendations and cooperation with other institutions, while remaining within its mandate.³²

³¹ United Nations, *Establishing Effective Accountability Mechanisms for Human Rights Violations*, emphasising the centrality of victims and the importance of effective, credible, independent and impartial accountability mechanisms.

³² United Nations General Assembly, *Resolution 60/251*, establishing the Human Rights Council and providing its mandate to address situations of human-rights violations and make recommendations; see also OHCHR, *Human Rights Council*, on the Council's use of investigative bodies to address serious violations and promote accountability.

QUESTIONS TO PONDER

- If the international community already possesses multiple accountability mechanisms, should the priority be creating new institutions or making existing institutions work more effectively?
- How can evidence collected during an ongoing conflict be preserved in a manner that remains useful for a future prosecution?
- Can accountability be considered complete without meaningful participation, protection and reparations for victims?
- How can the UNHRC contribute to criminal accountability without assuming the functions of a criminal court?