



ICC TOPIC 2

CASE 2: David Sanakoev

Esteemed advocates,

“With great power comes great responsibility.” Welcome to The International Criminal Court (ICC)! My name is Talal Alasad. I am a rising senior at The International Academy - Amman. This will be my sixteenth experience in MUN. I’m sure that we will have a memorable experience together, alongside my respected deputy president, Jana Halaweh, and honorable chair Faris Saadeldeen.

The ICC is a complex committee that operates under the Rome Statute, which is a treaty that establishes the area of jurisdiction within which a person can be trialed for the four main crimes of the Crime of genocide, Crimes against humanity, War crimes, and the crime of aggression. We will be prosecuting the 2 defendants, “Rodrigo Duterte” and “David Sanakoev”. These are two very complex cases that symbolize the AQMUN’25 theme of “Empowering the Excluded”. However, in these cases, you must break away from the classic court mentality of deciding whether they are innocent or guilty and giving up on the case before it even starts, because in the ICC, you must play your moves right to ensure the verdict goes in your favor.

You are supposed to bring justice to the Rome Statute and not fail those who are allegedly falsely incriminated. Whether you are Prosecution, Defence, or Jury, I assure you that you will have a voice in any and all cases. Just remember, you were placed in this committee for a reason: to bring change to the outcomes of the cases. God willing, the truth will prevail, and hopefully, the innocent will be free, and those who are guilty will be condemned to face justice.

May the verdict be in your favor, advocates.

Sincerely,

Talal Alasad

President of the International Criminal Court

Glossary:

Expediency – the quality of being convenient and practical despite possibly being improper or immoral; doing something for quick advantage rather than what's right.

Erosion – the gradual destruction or reduction of something, such as rights or protections.

Orchestration – the organized planning or coordination of a complex event, often implying manipulation behind the scenes.

Militarized – equipped or influenced by military forces or thinking, often in a way that escalates conflict.

Devaluation – the reduction or belittling of something’s value or importance, such as legal norms or human rights.

Sovereignty – the authority of a state to govern itself without external interference.

Asymmetry – a lack of equality or balance, especially in power, influence, or treatment.

Jurisdiction – the legal power or authority of a court or institution to make decisions and judgments

Following the outbreak of armed conflict, the distinctions between civilians and combatants tend to blur, and the most vulnerable groups succumb to violence in the name of political or military expediency. The war in 2008 between Georgia and Russia over the breakaway enclave of South Ossetia was a classic example of the erosion of civilian protection. Against this backdrop, the alleged orchestration by South Ossetian officials of illegal detention, abuse, and forced displacement of ethnic Georgians poses an immediate challenge to the integrity of international humanitarian law. At the center of these allegations is David Sanakoev, the de facto South Ossetian human rights commissioner, who is said to have facilitated these abuses. The international interest involved is not one of historical injustice, but of a current challenge to the principle that civilians can under no circumstances be used as instruments of war. Taking up the case is essential to affirming accountability within the conflict spaces of the here and now.

The war in South Ossetia was acted out in the grand drama of a struggle for influence between Russia and the West, where claims to territory and nationalist fervor blurred legal accountability. Sanakoev's alleged role in the organization of detention and transfer of Georgian civilians cannot be separated from the larger reality of contested domination and militarized ethnic identity. Moreover, consequences of such actions—displacement, trauma, and devaluation of legal norms—have spillover effects beyond immediate victims, threatening post-conflict peace.

This agenda item directly responds to the longstanding asymmetry between those who wield power in conflict and the silenced by it. The civilians arrested and displaced on the authority, assumed or otherwise, of David Sanakoev were not merely collateral to war—they were deliberately silenced, disempowered, and refused the protection of law. In prosecuting these abuses in the name of justice, the case challenges us to be mindful of whose rights are privileged and whose pain is discounted. Empowering the Excluded begins with accountability. By speaking out in the name of victims, dignity is restored and the universality of human rights reaffirmed. International justice is more than principle—it is practice, process, and promise to those whose history often forgets.

The case addresses the Amman Quds Model United Nations theme of “Empowering the Excluded” from the side of the prosecution, as the case excludes the Georgian hostages. However, shifting the perspective, we can highlight that in the eyes of the defense that David Georgiyevich Sanakoev's voice was silenced and excused as he was not the only culprit. In the end, it is up to you as advocates to see whose voice will be empowered and whose voice will be silenced.

Historical context:

NATO expansionism :

The North Atlantic Treaty Organization is a treaty that provides a unique link between these two continents, enabling them to consult and cooperate in the field of defence and security, and conduct multinational crisis-management operations together. The treaty was historically made to oppose the soviet union(former Russia) and provide security against the soviet union. The NATO expansionist strategy by requesting and getting multiple states that surround the russian party, these countries included Albania, Bulgaria, the Czech Republic, Estonia, Hungary,

Latvia, Lithuania, Poland, Romania, and Slovakia. Therefore, when NATO had requested that Georgia join the organization posing a geographical threat to Russia

Sepritisum:

During the time of the Union of Soviet Socialist Republics, the Republic of Georgia, along with Russia, Ukraine, Belarus, Moldova, Lithuania, Latvia, Estonia, Armenia, Azerbaijan, Kazakhstan, Uzbekistan, Kyrgyzstan, Tajikistan, and Turkmenistan. Russia, Ukraine, Belarus, Moldova, Lithuania, Latvia, Estonia, Georgia, Armenia, Azerbaijan, Kazakhstan, Uzbekistan, Kyrgyzstan, Tajikistan, and Turkmenistan. Formed the soviet union. During the time of the 1990s, this separatist act led to tensions between the two states and the increased tension of Russia allegedly sending spies to Georgia and the deportation of alleged spies. And the multiple shillings that took place before the conflict.

Present context:

The 2008 conflict between Georgia and Russia over South Ossetia left thousands of civilians vulnerable to abuse, particularly ethnic Georgians. David Sanakoev, who served as the de facto human rights commissioner for South Ossetia, is accused of organizing the illegal detention and forced displacement of civilians. This case is not just about Sanakoev's role, but about the wider issue of accountability in wartime, especially in regions where sovereignty is contested and international law is difficult to enforce.

In today's world, where state and non-state actors alike often disregard humanitarian protections, the prosecution of Sanakoev sends a message: that civilian lives cannot be used as tools of war. The ICC's involvement reflects a larger fight for justice in conflicts where power imbalances and geopolitical rivalries dominate.

Timeline of events:

In August 2008, war erupted between Georgia and Russia. South Ossetia becomes a key flashpoint.

August 7–12, 2008; heavy fighting results in the deaths of hundreds and the displacement of tens of thousands, many of them ethnic Georgians.

Late 2008: evidence emerges of abuse and displacement by South Ossetian forces.

2008–2010; NGOs like Human Rights Watch and Amnesty International document violations, including arbitrary detentions and forced transfers.

2022 situation: The ICC issues arrest warrants related to the conflict, including for David Sanakoev.

Presently, the ICC takes up the case of the Prosecutor v. David Sanakoev.

Challenges and stakeholder dynamics:

This case takes place in a highly politicized space. Russia supports South Ossetia and refuses to recognize the ICC. Georgia, on the other hand, is a state party to the Rome Statute and cooperates with the Court. Western countries largely support ICC investigations in this case, but critics argue the Court applies justice unevenly depending on global power structures.

Sanakoev's position as a "human rights commissioner" makes the accusations even more complex. He is alleged to have used his authority to orchestrate the detention and removal of civilians, actions that violate core principles of humanitarian law. Establishing his responsibility may prove difficult, especially with limited access to the region and a lack of cooperation from relevant authorities.

There's also the issue of victim representation. Many ethnic Georgians affected by the conflict were displaced and are now scattered across Georgia. Ensuring their testimonies and experiences are fairly represented in the Court will require sensitive and strategic planning.

International interactions:

International Criminal Court (arrest warrant 2022): The arrest warrant called for the immediate arrest of David Georgiyevich Sanakoev. The International Criminal Court had launched a critical investigation into David Sanakoev's alleged actions that violate the Rome Statute. The arrest warrant called for his trial in front of the ICC; the date is yet to be decided.

European Court of Human Rights: the court had condemned the actions that were commended by the Russian party, as Russia was the initiator of the attack. Additionally, it had condemned the actions that had been taken by David Georgiyevich Sanakoev against the foreign citizens.

Charges:

(Note :*The defendant David Sanakoev is being charged with only the following charges that are found under the [Rome Statute](#):*)

Article 5:

Crimes within the jurisdiction of the Court. The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction by this Statute concerning the following crimes:

(c) War crimes;

Article 8:

War crimes

1. The Court shall have jurisdiction in respect of war crimes, in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.

2. For this Statute, "war crimes" means:

(a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

(vii) Unlawful deportation or transfer or unlawful confinement;

(viii) Taking hostages.

(c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:

(i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment, and torture;

Rome Statute of the ICC:

<https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>

Human Rights Watch report on the 2008 war

<https://www.hrw.org/report/2009/01/23/flames/humanitarian-law-violations-and-civilian-victims-conflict-over-south-ossetia>

ICC situation in Georgia:

<https://www.icc-cpi.int/georgia>

<https://www.crisisgroup.org/europe-central-asia/caucasus/georgia>

Conflict and human rights overview:

<https://www.amnesty.org/en/documents/eur04/005/2008/en/>

<https://digitallibrary.un.org/record/645806>

BBC: <https://www.bbc.com/news/world-europe-45116573>

Al Jazeera: <https://www.aljazeera.com/news/2022/6/30/icc-issues-arrest-warrants-over-2008-georgia-russia-war>