

Background Guide
International Court of Justice
AlexMUN 2023

President: Andrés Villarreal
Moderator: Renata Armada
Conference Officer: Rodrigo Sanguino

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Presentation:

President: Hello, my name is Andres Villarreal. I know that being part of a court is challenging and exiting at the same time. Please feel free to contact me if you have any doubts about the committee. I understand what it is to be a first timer in an MUN model, or even how the nerves of wanting to win a prize so bad. I believe that my experience in MUN both abroad in the UK and in Mexico have taught me soft skills to help and guide new upcoming judges, and plaintiffs. I wish you all the best of lucks.

Email: andres.villareal@bab.edu.mx

Moderator: Hello, my name is Renata Armada. To be honest I was very excited of forming part of the MUN project, specially learning into detail how the International court of Justice works. It has been a journey full of learning and fun. I hope it is the same for you, to help you accomplish this experience, feel free to contact me with any doubts.

Email: renata.armada@bab.edu.mx

Conference Officer: Hello, my name is Rodrigo Sanguino. I believe that learning new things every day is the reason why we continue to grow. I am always thrilled of meeting new people and specially helping out others learn something new since I enjoy it a lot. Please feel free to contact me if any doubt comes up during your process of learning, I will be happy to help.

Email: rodrigo.sanguino@bab.edu.mx

Introduction:

The International Court of Justice, is the principal court of the UN. It was established in 1945 after WWII ended. It has the power to decide cases that were submitted to it by UN organizations and special agencies. It also offers legal advice. There are 15 justices that are appointed to the ICJ for a nine-year term by the UN General Assembly and by the Security Council. The court operates in the Netherlands at the peace place in The Hague.

The Court has the right to hear ratified treaty cases. This gives them the authority upon those who have agreed to the courts jurisdiction. The court is in charge to handle territorial disputes, marine boundaries, international relation between nations with diplomacy or consular relations, state accountability, human rights and humanitarian law, among other areas that would count as legal.

In the Courts statute and rules it is outlined how the court does business. According to this, NO ONE MAY APPEAL THE COURTS DECISIONS. This decisions are binding and unchangeable. Although, for issuing opinions that are frequently very compelling, this are not legally binding. International law has been based mostly in the courts contribution, the development of this, particularly in the areas of “Law of the sea, International humanitarian law, and human rights.” The decisions that the court has taken over the years have helped define international law and put an end into diplomatic disputes between different nations. The rulings that the court applies have that this court has given have been of great importance over the years.

To be ready for an International court of Justice simulation, you must be familiar with the structure of the court, the subject matter and the procedures. You must also have knowledge of relevant legal precedents and treaties that the court has been part of. This is because it is essential to comprehend the legal concerns at heart of the case that you will be part of so that you can

represent correctly and behave on behalf of the country or client that has been allocated. The participants should be familiar with legal arguments and views advanced by the parties in question. (Handbook of the International Court of Justice, undated).

The court has 15 judges. These are chosen by the UN General Assembly and Security Council. These judges are chosen for nine-year periods, meaning that they will change every 9 years. These judges are selected based on their qualifications, how neutral they are, and how independent they are. There are no two judges that will be residents of the same state. In case of the president of the court, he is chosen by fellow justices and is in office for three-year periods, meaning that the court will change president every 3 years.

The International Court of Justice is allowed to hear disputes between different governments that form part or have signed a treaty that grants the court such jurisdiction. This court has the authority to perform advisory opinions on legal issues that are presented to it by recognized agencies from the UN. (2019 ICJ Background Guide).

Procedure: The ICJ statute and rules of court assure to regulate all the court's operations. In most of the cases the parties file written pleadings and present an oral argument before the court starts. The court is responsible and may issue interim orders to protect parties' interests before the court until a final decision is reached.

Advisory Opinions: The court will offer legal advice on different matters provided to it by different recognized UN bodies and special organizations. This will be in addition to solving international dispute. In recent years, the court has issued different advisory opinions on a number of issues, including the legitimacy of different nuclear weapons.

Dag Hammarskjöld's Library (n.d.).

Topic A

Application of the convention on the prevention and punishment on the crime of genocide
(Croatia V Serbia)

Introduction:

Croatia v. Serbia: Application of the Convention on the Prevention and Punishment of the Crime of Genocide is a case that the International Court of Justice (ICJ) heard from 2009 to 2015. The dispute between the two former Yugoslav republics of Croatia and Serbia that started in the early 1990s is related to this issue.

Both sides in this conflict carried out several crimes against one another, including the death of large numbers of people, displacing populations, and destroying property. In 1999, Croatia launched a lawsuit against Serbia alleging that throughout the conflict, Serbia had killed Croatian people.

The International Court of Justice (ICJ), the main court of the UN, heard the case and is in charge of resolving legal issues between governments. The UN General Assembly and Security Council elect the 15 judges that make up the Court to serve nine-year terms. The International Court of Justice (ICJ) determined that during the conflict, genocide had been perpetrated against the civilian populations of both Serbia and Croatia. As required under the Genocide Convention, the Court also determined that neither party had engaged in any behavior with the goal to completely or partially destroy the other group. (Croatia v. Serbia). (n.d.)

The decision of the ICJ in this case was noteworthy for a number of reasons. First of all, it clarified the definition of genocide and the criteria for establishing its commission. The Court underlined that in order to demonstrate the intent necessary for genocide, there must be proof of

the intended destruction of a group that is beyond a reasonable doubt; merely knowing that a group will likely be destroyed by a particular course of action is insufficient. Second, the decision had significant ramifications for efforts to bring about peace between Croatia and Serbia. The Court stressed the significance of establishing mutual understanding and collaboration between the two nations as well as addressing historical wrongs. The verdict was viewed as a significant step in the direction of rapprochement and the advancement of peace in the area.

The case was important because it demonstrated how international institutions and law contribute to world peace and justice. The work of the ICJ is crucial to advancing the rule of law and maintaining the ideals of justice and equality on a global scale. *Judgment in a Case on the Application of the Convention on Genocide*. (2015, February 6).

In conclusion, the Croatia v. Serbia case concerning the application of the Convention on the prevention and punishment of the crime of genocide was a complicated and important legal issue that established the definition of genocide and the criteria for proving its commission. In its ruling, the International Court of Justice (ICJ) stressed the value of the parties' collaboration and reconciliation as well as the contribution of international law and institutions to world peace and justice.

Conflict:

Early in the 1990s, there was a tragic and deadly chapter in Balkan history that involved Croatia and Serbia. The conflict, which resulted from the dissolution of the former Yugoslavia, was characterized by numerous crimes against humanity committed by both sides against the civilian populations of the other. Mass executions, the eviction of populations, and property devastation were all part of these horrors. Serbs were accused of killing civilians in Croatia, which was one of the most serious accusations made throughout the conflict. The term "genocide" describes a certain collection of deeds carried out with the purpose of completely or partially eradicating a national, ethnic, racial, or religious group. These actions include the purposeful infliction of

circumstances of life on the group that are intended to cause its physical destruction in whole or in part, as well as the murdering of group members and seriously injuring or torturing group members. Croatia claimed that Serbian soldiers had carried out a systematic campaign of aggression against Croatian people, which included killing civilians, destroying homes and villages, and forcibly displacing populations. According to the Genocide Convention, Croatia claimed that these activities qualified as genocide. (*Yugoslavia (Former) | Genocide Studies Program*. (n.d.)).

In the wake of the Holocaust, the General Assembly of the United Nations passed the Genocide Convention in 1948. According to the Convention, a genocide is any one of a range of crimes carried out with the intention of completely or partially eradicating a national, ethnic, racial, or religious group. The Convention requires governments to prevent and punish genocide and defines it as a crime under international law. The primary court of the United Nations, the International Court of Justice (ICJ), is in charge of resolving legal disputes between states. Serbia was accused of committing genocide against Croatian citizens during the conflict in a case brought by Croatia against Serbia at the International Court of Justice in 1999. Over the course of several years, the ICJ heard the case.

The case featured a variety of difficult and contentious legal and historical concerns. The International Court of Justice (ICJ) was asked to decide whether Serbia had killed civilians in Croatia and, if so, whether it had violated the Genocide Convention. The question of whether Croatia had violated its own responsibilities under the Convention was also put to the Court. In its judgment on the case, the ICJ found that both Croatia and Serbia had committed acts of genocide against each other's civilian populations during the conflict. However, the Court also found that neither side had acted with the intent to destroy the other group in whole or in part, as required under the Genocide Convention. (BBC News. (2015, February 3)).

The International Court of Justice (ICJ) determined that during the conflict, genocide had been perpetrated against the civilian populations of both Serbia and Croatia. As required under the

Genocide Convention, the Court also determined that neither party had engaged in any behavior with the goal to completely or partially destroy the other group. The decision of the ICJ in this case was noteworthy for a number of reasons. First of all, it clarified the definition of genocide and the criteria for establishing its commission. The Court underlined that in order to demonstrate the intent necessary for genocide, there must be proof of the intended destruction of a group that is beyond a reasonable doubt; merely knowing that a group will likely be destroyed by a particular course of action is insufficient. Second, the decision had significant ramifications for efforts to bring about peace between Croatia and Serbia. The Court stressed the significance of establishing mutual understanding and collaboration between the two nations as well as addressing historical wrongs. The verdict was viewed as a significant step in the direction of rapprochement and the advancement of peace in the area. The case was important because it demonstrated how international institutions and law contribute to world peace and justice. The work of the ICJ is crucial to advancing the rule of law and maintaining the ideals of justice and equality on a global scale. Despite the ICJ's conclusions, the consequences of the conflict between Croatia and Serbia are still felt today in the region. Many people and communities are still dealing with the trauma of the war, and there are still conflicts over things like property ownership and how minorities are treated. (*On the Entirely Predictable Outcome of Croatia v. Serbia*. (2015, February 7).

In conclusion, there were many crimes against humanity during the fight between Croatia and Serbia during the breakup of Yugoslavia, including the allegation of genocide committed by both sides against the civilian populations of the other. Croatia charged that Serbia had committed genocide in violation of the Genocide Convention by killing citizens, burning homes and villages, and forcefully relocating populations. Despite not acting with the intent to completely or partially wipe out the other group, as required by the Genocide Convention, the International Court of Justice (ICJ) found that both Serbia and Croatia committed acts of genocide against the civilian populations of each other during the conflict. The definition of genocide and the requirements for creating its commission were made clear by the ICJ's ruling. In order to achieve peace and reconciliation, it also underscored how crucial it is for the two countries to work

together and develop mutual understanding. The ICJ's ruling highlighted the importance of the rule of law and upheld the ideals of justice and equality on a worldwide scale, demonstrating how international institutions and law contribute to world peace and justice. United Nations High Commissioner for Refugees. (n.d.)

Despite the ICJ's ruling, the effects of the war between Croatia and Serbia can still be seen in the area today, and many individuals and communities are still struggling to cope with the trauma of the conflict. To progress peace and reconciliation, it is crucial to keep working to right historical wrongs, foster international understanding, and foster international cooperation. Židek, N. (2015).

Protocol:

Purpose: ICJ MUN has a purpose to simulate a hearing in front of the International Court of Justice. The question that the court will be judging, whether Serbia committed genocide against Croatia during the decade of the 1990s. This Model United Nations will give participants opportunity to learn about how the ICJ works and of the law of genocide. It will also provide an opportunity for participants to practice their skills in international law.

Participants: The students participating in this MUN will be divided into two teams: the applicant, that will be Croatia. And the responder, that will be Serbia. Each team will have 3 lawyers. The judges will be played by faculty members or other experienced individuals.

Time constraints: The MUN will be held over two days. On the first day, the applicant will present its case. When the second day begins, the responder needs to present its case. There will be opportunity for question-answer-question-answer procedure after each presentation is finished. At the end of the Model, judges need to deliberate and issue a ruling.

Procedure:

The procedure for the Model will be the following:

The applicant will present its case. This will include an opening statement, followed by the presentation of evidence and arguments.

The respondent will present its case. It needs to follow the same format as the applicant's case.

There will be opportunity for question-answer-question-answer procedure after each presentation is finished. It is in order for the judges to ask questions to the lawyers in both teams. The judges will deliberate and issue a ruling. The ruling will be based on the law and the evidence presented at the MUN.

Rules, the following rules will apply to the MUN:

The lawyers must be respectful of the judges and the other participants.

The lawyers must stay on topic and avoid making personal attacks.

The lawyers must cite their sources when they use evidence.

All the judges must be, fair, impartial and not bias in their rulings.

All the following resources will be available to the Judges/Lawyers:

All information on The Statute of the International Court of Justice

The most important facts of Convention on the Prevention and Punishment of the Crime of Genocide

If any other materials are needed, they will be specified before the trial begins.

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