

**THAIMUN VIII**  
**Model United Nations**  
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**International Court of**  
**Justice**  
**Chair Report**



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# I. International Court Justice Procedure.

*Acknowledgments: This Procedure was written with the help of IASAS ICJ 2020 President Zeki Tan.*

The purpose of this court affiliated committee is to settle disputes of international conflict relating directly to international law. These disputes commonly refer to an ongoing or continued disagreement between two or more international states or regions.

Any judgement made by the ICJ is binding to both representing parties and international law henceforth.

The ICJ is independent of other such court based and irregular committees such as the International Criminal Court of the United Nations where certain individuals are accused of a crime as opposed to a matter between states.

The Statute of the International Court of Justice works similarly to that of the United Nations Charter, establishing and specifying the workings and proceedings of the ICJ.

## Committee Roles

### **President** (*Head Chair*):

The role of the president is similar to that held by the head chair. Like other committees, there is only one head chair, or in this case, one President. The President is responsible for implementing Rules of Procedure as per the Statute of the International Court of Justice. They will outline and implement the proceedings of the court. The President in any ICJ case is referred to, simply as Mr/Ms. President

### **Co-Presidents** (*Deputy Chairs*):

The Co-Presidents in the International Court of Justice perform the same duties as deputy chairs would in other committees. They will assist the President with their many roles and will perform a variety of tasks. Like in a normal committee, chairing time amongst the President and Co-Presidents will be split. It is this panel composed of the President and Co-Presidents who will run the hearing of the court. The Co-Presidents in any ICJ case are referred to as President <<last name>>.

## **Advocates:**

Each case in the ICJ consists of two teams of advocates. Each team is composed of two advocates each - a total of 4 advocates for a case. One of these two groups will play the role of the Applicant. This is the team who initiated the proceedings at the court. The other team will play as the Respondent. This is the team of advocates who will defend the allegation of the applicant team. The Advocates act as a counsel providing legal representation for their representing state to the court. Each team of advocates draft a memorandum, a list of evidence, a combined list of stipulations, and will examine witnesses. (These documents will be elaborated on later in the guidebook.) The advocates are the core center of the proceeding case. Any advocate in the ICJ is referred to as Advocate <<last name>> of <<country they are representing>>. For the purposes of THAIMUN please do not submit less than 4 and no more than 8 pieces of evidence per advocate team.

## **Judges:**

"The ICJ also comprises a panel of 15 judges. They are responsible for ruling on the case. ICJ Judges will assess the arguments and evidence presented by each team of advocates and deliberate on a final verdict regarding the case. In general, there are three broad outcomes that Judges can conclude. 1) The ICJ does not have jurisdiction to rule on the case, and the case is dismissed. 2) The Applicant Party has met their burden of proof, thus Judges will create a verdict accordingly as "punishment" for the Respondent Party. 3) The Applicant Party has not met their burden of proof, thus the Respondent Party is free of applicant from all counts."Judges are referred to as Judge <<last name>>.

## **Procedure**

1. Introduction: The Presidency introduces themselves, sets out an agenda, and asks each advocate and judge to present and introduce themselves to the court.
2. Opening Statements: The advocates present their opening speech and position on the case. This document will be elaborated on later in the guidebook; however, it primarily consists of the main arguments from each side giving the judges a brief overview of the case. Each team of advocates will have a minimum of 10 minutes and a maximum of 15 minutes to present this statement, with the applicant going first and then the respondent.
3. Judges' Questioning: After both teams of advocates have completed their opening statements, the Presidents will go around the room, asking every individual judge if they have any questions

regarding the advocates' stance or their opening statements. Presidents have discretion as to how long this process will go on. Preferably, they will choose to make as many rounds as needed until all questions are exhausted, however they can also end questioning for time constraints.

\*Unlike other committees where a delegate can choose to refrain from being asked a point of information or can choose to answer in note form, this is not the case for advocates, who have to be able to answer any questions posed to them.

4. Stipulations: This document will also be elaborated on later in the guidebook but it is essentially a list of facts agreed on by both parties. This list should be created prior to the conference and at this stage, is read out to the court by the Presidents. There is no time limit for this step.

5. Presentation of Evidence: Both teams of advocates present their pieces of evidence in the form of an evidence manifest, which must be shared with the opposing advocates before the trial starts. This document will be elaborated on later in the guidebook. For this as well, with the applicant going first, both teams of advocates have to individually present each piece of evidence to the court by stating its origin, a brief description of the piece, the date published, and a way for the judges to access this evidence. There is no time limit for this step.

6. Deliberation of Evidence: After the advocates have presented all their evidence, the judges will have an opportunity to ask either team of advocates an unlimited amount of questions they may have about any pieces of evidence. There is no time limit on judges' questioning and this round of questioning will only end once there are no more questions in the court. After this round of questioning is finished, the advocates will have to leave the room and the judges will have the opportunity to deliberate on this evidence using the following criteria:

- bias
- relevance
- reliability
- importance

Each judge will be given a different piece of evidence to study from both parties and after a certain amount of time, the President will go around the room asking each judge for a score out of 20 on the piece they studied by ranking each criteria from 1 (poor) - 5 (satisfactory). After each piece of evidence is presented by any judge, there will be a vote on whether that particular piece of evidence should be struck out from the manifest or kept, based on its score.

\*If a piece of evidence is struck out from any advocate's manifest, that piece of evidence or its contents cannot be brought up in the court again.

\*\*During this round of deliberation, because the advocates are not in the room, they should use this time to prepare their witnesses for witness examination.

7. Direct Witness Examination: Prior to the conference, each team of advocates need to have come up with a list of two - three different real-life people, who can help their case in some way. Examples of the same include foreign ministers, officers, former presidents etc. No witness can be repeated between the applicants or the respondents. Starting with the applicant's first witness and alternating from then on, the counsel who has presented the witness will be given the opportunity to ask their witness any kind of questions as they seem fit. However, if the opposing counsel believes that a certain question isn't appropriate, they can object. Objections will be mentioned later in the guidebook.

\*Direct Examination questions are typically open ended, with exception to expert witnesses.

\*\*Advocates should prepare their witness prior to the conference and ask them to have a very thorough knowledge on the person they are going to represent. At times, advocates may also give the witness a script for direct examination and/or bullet points to help guide them for cross examination and judges' questioning.

8. Cross - Witness Examination: After one team of advocates is finished asking their first witness questions, the opposing party will have the opportunity to cross-examine the same witness asking him any questions they see fit. In this case, if the counsel who had presented the witness believes a question is inappropriate, they can object.

9. Judges' Witness Examination: After cross examination, each judge will have the chance to question the witness about anything that has already been said or about anything relating to his area of expertise. However, during the judges' examination, objections are not in order. Again, the judges' questioning has no time limit and this will go on for as many rounds until no judges have any questions left. After the judges have finished examining a witness, the party who presented this witness will have a final opportunity to ask them any questions after which, the opposing party will then present their witness to the court.

10. Judges' Final Questions to Advocates: After the applicant and the respondent teams have both examined all their witnesses, the judges will have a final opportunity to ask the advocates questions in the same format as has been carried out through the case; however, now, they are able to ask either pair of advocates any question about anything and everything that has been stated throughout the case. Once again, there is no time limit with this step and the President will only stop going around the room asking individual judges if they have questions after no judge wants to ask more questions.

11. Closing Statements: This is the advocates' final opportunity to address the court in the form of a closing argument. The statement should ideally be around 15 - 20 minutes long for each advocate team. This will be elaborated on later in the guidebook but it is essentially the last

chance for either advocate team to prove their case and encourage the judges to vote for their side. It is also an opportunity for the advocates to rebut anything that has been brought up throughout the case or even support and reinstate any of their previous points. It is also a final opportunity to answer or address any of the judges' doubts and requests but no evidence that isn't a part of the evidence manifest can be brought up in this statement. Again, the applicant will speak first following which will come the respondent.

12. Final Deliberation: After both parties have presented their closing statements, the advocates will be made to leave the room so that the judges can have a final opportunity to deliberate on the overall case and reach a verdict. During this time, judges will discuss any points of consideration they have about either side and will also examine the advocates' memorandums and prayer for relief to understand what it is they would be guaranteeing for either side winning. In addition to this, they will also examine the effectiveness of the witnesses and the pros and cons of each. Finally, each judge will express which party has convinced them most and with a majority, reach a verdict. While this process should ideally last for around 30 minutes, the judges should have as long as they need to reach a clear verdict.

13. Verdict: This section will be elaborated on later in the guidebook, but after judges' deliberation, using majority voting structure, the President will conclude which party one and read out their prayer for relief.

\*Advocates will not know the verdict until the end of the conference.

14. This process will then be repeated in its entirety for as many cases as are going to be presented.

## **Memorandum**

This is a document that each counsel has to write individually (one for each team of advocates) and acts as a position paper or like a political statement.

The format of a memorandum looks like this:

Memorandum of [Country's name]

International Court of Justice

Submitted by: Advocate (Surname)

On Behalf of: (Country represented by advocates)

Date: (Self Explanatory)

*For Applicants only*

*To the Registrar*

*I, the undersigned, duly authorized by the Government of \_\_\_\_\_ of which I am the Agent, have the honor to submit to the International Court of Justice, in accordance with Articles 36 (I) and 40 (I) of its Statute and Article 38 of its Rules, an application instituting proceedings brought by the \_\_\_\_\_ against the \_\_\_\_\_ in the following case.*

This document is split up into five sections including:

I. Statement of Jurisdiction: This section is a summary of the case in your country's perspective. Here, rather than talking about all the background information on the case and its historical context, use it as a way of describing the most relevant connections and describing the origins of the case and what led to it being taken to the ICJ.

\*This isn't an argumentative section but rather an outline to how both parties are relevant to the case

II. Statement of Law: This section is a legal summary of the case, referring to specific laws (international or domestic) or treaties and how these have been broken by the respondent. This gives the case a legal standpoint to help the judges better understand the judicial points of the case. It also helps provide a legal legitimacy to the case and its grounds. It is this legal legitimacy that the opposing counsel will be defending or trying to prove.

\*This is one of the most crucial parts of the memorandum because it is what the whole case is based on.

\*\*Very important that the advocates find and choose the laws or treaties they are going to present in this section wisely in relation to the case and also be sure to list the same in their evidence manifest.

III. Statement of Facts: This being a fairly simple section of the memorandum, the advocates have to provide clear and detailed facts that support their stance and some of these facts should also include any previous attempts made by either side to resolve the issue prior to getting it to the ICJ.

IV. Arguments: This section comprises each party's main points and why they believe they should win relating this back to the specific laws. This section also works as a counterclaim to the other party's viewpoints and rebuts their point of view. Advocates here, will have to apply the principles of the laws and facts to the case and prove legitimacy and validation to their claim.

\*This is the most crucial part of a memorandum because it gives your claim validation by being able to connect your points to your position and is what gives your country a stance with

reasoning to back this up.

V. Summary and Prayer for Relief: This section is essentially what each party expects from the case and what they would like to achieve from the deliberation of the case. The summary of this section should only be around 1-2 sentences long following the Prayer for Relief which acts as a solution to the case considering that the party who is writing this memorandum has won. Keep in mind that this section is the final basis on what the judges will reach a verdict so this prayer for relief should be as neutral as possible and amount to a solution for both parties rather than holding only one side accountable.

There is no limit on how long a memorandum needs to be but remember that each pair of advocates has to write one memorandum each and both memorandums will be shared with the judges prior to the conference.

## **Stipulations**

This document is a list of written evidence presented by both parties (only one for each case). These pieces of evidence should be points or facts that both counsels agree on and not up for debate during the case. Stipulations are written together by both parties and its main purpose is to establish a basis for the judges on pieces of evidence that are not debatable and prevent disagreement between parties.

\*Stipulations are written entirely in bullet points but can also be divided into the following sections that both sides agree on:

- I. key terms and their definitions
- II. important historical events or a timeline
- III. activities by both countries or by an individual country
- IV. treaties passed or agreements made

\*\*During the process of writing stipulations, if one side doesn't agree with a particular fact, they have to have a clear reason why this is untrue and the side proposing this stipulation should have evidence to support this to allow it to be a part of the document.

## **Evidence Manifest**

An Evidence Manifest is a compilation of all the evidence you will use to support your

argument. One such document must be written by each pair of advocates. Any piece of evidence not included in this evidence manifest cannot be brought up by either side. Any piece of evidence listed in one of the manifests can be used by both sides. The type of evidence in this document is only real evidence and testimonial evidence comes in the form of witness testimonies. Examples of the kinds of evidence in this manifest include:

- I. Treaties
- II. Resolutions
- III. Newspaper articles
- IV. Sections from books
- V. Audio or video recordings
- VI. Letters
- VII. Websites

It is this evidence that the judges will be evaluating based on the criteria aforementioned so it is vital to get the most reliable and established pieces of evidence because anything in this manifest can be struck down with a majority vote which would disable the advocates from referring back to the same. Also make sure that this evidence works to support your argument and be sure to explain it as strongly as possible to prevent it from being struck down by the judges.

While presenting the evidence, advocates should read it out (as described in the format) and give a 1-2 sentence summary on the same. Then the next party presents their evidence. Judges' questions are asked after each piece of evidence is introduced, however, the judges do have the option to question any piece of evidence after all the evidence has been submitted as well.

\*Remember, applicants always go first and in this case as well, applicants will present their evidence first followed by the respondents.

**Format:**

The Evidence Manifest is often one of the longest documents in the case because this is what the root of your argument is going to be based on. While not all of your manifest will support your specific position, it does help the judges get a better understanding of it and in some cases, these pieces of evidence could also be points you may want to use in your rebuttal.

For each individual piece of evidence in your manifest, you should have specified the following:

- I. The title of the document
- II. Date published
- III. Source
- IV. Author

V. Link or image so the judges can access the evidence

For each piece of evidence, plaintiffs and respondents should both label in a different way (ie, alphabets and numbers) however, if a certain party should go over the allocated maximum (ie, reach Z), they should start labeling as A1, B1 and so on.

## **Witness and Witness Examination**

Witnesses, once again are experts or delegates from other countries who specialise in a certain field related to your case. These witnesses will be played by people at the conference but for each case, both parties have to get 2 witnesses each.

### **Preparing Witnesses:**

The advocates will have to organise for their own witnesses from their schools who are attending the conference in other committees so they can be prepared prior to the conference. They will also have to prepare the script for said people to play witnesses to follow during direct examination.

\*Remember judges' questions and cross examination will not be scripted because these questions will be made by the opposition at that time as well as on the spot by the judges so the advocates will have to prepare the witnesses to have prior knowledge - both legal and general on the case.

## **Order of Proceedings**

### **1. OPENING STATEMENTS**

a. PRESIDENT calls the court to order

i. ADVOCATES make their opening Statements

1. In all proceedings the applicants will proceed first, followed by the respondents

### **2. PRESENTATION OF EVIDENCE – PHYSICAL EVIDENCE**

a. REAL EVIDENCE - The evidence will be presented in an alternating fashion between the opposing parties. Applicants present the first piece of evidence, along with their pleading. Each piece of evidence must assigned a letter and be presented in the following manner:

i. Advocates present a piece of evidence:

1. If the applicant is presenting: “Your honor the country of would like to present source (A...)”

2. If the respondent is presenting: “Your honor the country of would like to present source (1...)”

ii. A copy of each piece of evidence must then be presented or shared with the JUDGES. Each piece of evidence must be labeled.

iii. The applicant will then present and might choose to do so by reading the document or text, stating the author, date of publication and the such. The presentation of the evidence is not a pleading.

iv. ADVOCATE’S pleading: The advocate then explains their interpretation of the credibility and importance of the evidence presented. The pleading is similar to an MUN “For” speech for the evidence you are presenting.

b. QUESTIONING - After the ADVOCATE has finished presenting, there will be time allocated for points of inquiry regarding the evidence and the pleading made by the applicant.

i. The Advocate must state that he/she is finished with their pleading and presentation of the evidence.

ii. The PRESIDENT will open the floor for points of inquiry or points of information to the panel of JUDGES.

iii. If and only if the judges are finished asking questions, the presidents will open the floor for points of inquiry from the opposing party.

c. The presentation of the evidence will alternate between the applicant and respondent party, until the trial comes to a suspension in order for the judges to deliberate and weigh the evidence that has been presented to them.

### 3. FIRST REBUTTAL

a. Rebuttal

i. ADVOCATES have the opportunity to counter the evidence presented by the opposing ADVOCATES during their presentation of evidence.

b. Purpose:

- i. Discredit the witnesses or real evidence presented by the opposing ADVOCATES by focusing on its limitations
- ii. Provide counter-arguments to the arguments presented by the respondents
- iii. No new evidence for their case can be brought up, unless it is used to counter the respondent's evidence which has been presented.

#### 4. TESTIMONY of the WITNESSES:

a. ADVOCATES: "Your honor (country) would like to call to the stand."

i. The applicants then DIRECTLY question the witness

1. Purpose:

a. To establish the credibility of the witness

b. To get the witness to provide evidence to support the charges they have brought to the court.

ii. Opposing ADVOCATES now question the witness

1. Purpose:

a. To call into question the credibility of the witness

b. THIS PROCESS IS REPEATED FOR EACH WITNESS

c. THIS PROCESS IS REPEATED FOR EACH ADVOCACY

d. After ALL witnesses AND evidence has been presented, the ADVOCATES announces the completion of their case

i. "Your Honor, we rest our case"

#### 5. SECOND REBUTTAL

a. There will be a second round of rebuttals to be entertained, which will allow for both the Applicant parties and Respondent parties to counter the newly presented evidence as well as the testimonials given by the witnesses in the trial.

b. Judges will take turns to ask questions of the advocates about their witnesses, evidence, or arguments that will clarify the case for them.

#### 6. LAWYERS SUBMIT EVIDENCE TO THE COURT

a. ADVOCATES rise and ask the court to ADMIT the real or physical evidence they have used to make their case.

i. ADVOCATE: "Your honor, (country) would like to ask the court to admit evidence A through F (for example)."

b. Unless evidence is missing or not labeled, the judges will declare that the evidence presented is in order.

c. THIS PROCESS IS REPEATED FOR BOTH ADVOCACY

## 7. CLOSING ARGUMENTS

a. The PRESIDENTS invite the ADVOCATES to begin their closing arguments:

i. Applicants then present their closing Arguments in which they should summarize the charges, their main arguments and evidence

1. Visual aids are highly suggested here.

2. Presentation of the “prayer” – what the applicants would like out of the case. This is the time for the applicants to outline the amount of damages they wish for and why.

ii. Respondents then present their closing arguments, in which they should summarise their case for the dismissal of the charges

1. Visual aids are highly suggested here.

## 8. JUDGES DELIBERATE AND WRITE VERDICT

a. All JUDGES will be asked to state their opinion, along with their reasoning (examples of evidence, their weight, etc.)

i. Speaking for 1-2 minutes in turn without interruption.

ii. At the end of this, JUDGES will inquire into each other’s positions, before reaching a final verdict via vote.

iii. Dissenting and Concurring opinions will be entertained, as such JUDGES will divide into these groups and prepare their statements for a chosen JUDGE to present formally

b. Judges need to be clear about what the verdict is and the reasons why they made the ruling. The amount of damages awarded need to be included (if applicable.)

c. If there is a dissenting opinion, it may also be read (at the PRESIDENTS’ discretion)

## 9. VERDICT IS PRESENTED (and Damages, if applicable)

## II. Case: Relocation of US Embassy to Jerusalem (Palestine vs. US)

### Introduction:



The primary focus of the case, the Relocation of the United States Embassy to Jerusalem (Palestine vs The United States of America) is the United States decision on December 6, 2017, to relocate the U.S. embassy in Israel from Tel Aviv to Jerusalem. The decision was made in support of President Trump's declaration on December 6, 2017 that the U.S. formally recognizes Jerusalem as the capital of Israel. Since Israel's formation as a state in 1948, the ownership of Jerusalem has been a contentious issue. Similarly, Palestine's statehood has also been challenged. It is important to note that despite 138 of the UN's member countries recognizing Palestine as an independent state, the U.S. and Israel do not. As such, due to the contested ownership of Jerusalem, on September 28 of 2018, Palestine filed an application to the ICJ contesting the legality of the U.S.'s establishment of its

embassy in Jerusalem.

### Key Terms:

Sovereign State	A state whose government is not subject to the will of another, with the state possessing defined borders.
Non-member Observer State	A state with a standing invitation to participate as observers in UN General Assembly sessions.
Occupation	The takeover of a territory (often that of a different nation) through the use of force.

Treaty	A formal binding agreement between two or more parties establishing an obligation.
Vienna Convention on Diplomatic Relations	An international treaty outlining the framework of the establishment and conduct of diplomatic relations between nations.
United Nations General Assembly Resolution 67/19	A resolution denoting Palestine’s permanent status as a non-member observer state at the UN’s General Assembly.

**Major Actors:**

Name	Role
Palestine	The applicant of this case, Palestine argues that, due to the territorial sovereignty of Palestine, Jerusalem is not subject solely to Israeli rule. As such, Palestine believes the US has violated the Vienna Convention on Diplomatic Relations by relegating the embassy to Jerusalem.
The United States	As Israel’s first ally, the US’s Middle Eastern policy has been characterized by support for Israel. The decision to recognize Jerusalem as the capital is a continuation of an aborted 1995 Congress act stating “Jerusalem should be recognized as the capital of Israel [...] the United States embassy in Israel should be established in Jerusalem.” Moreover, the United States does not recognize Palestine as a nation, it believes it has not violated the Vienna Conventions.
Israel	As a nation which has long contested the ownership of Jerusalem, particularly during the 1980 annexation, it innately contested Palestine’s claim that Jerusalem is not subject to Israeli control, thereby making the US’s actions within the bounds of the Vienna Conventions.
The International of Court Justice	Palestine believes the ICJ is the judicial body with the authority to settle this case, as

	Palestine views the case as a continuation of a decades-old territorial dispute.
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**Timeline:**

Event Date	Synopsis
<p>November 29, 1947</p>  <p><b>PALESTINE</b> Partition plan approved by UN General Assembly on Nov. 29, 1947</p> <ul style="list-style-type: none"> <li><span style="color: green;">■</span> Jewish State</li> <li><span style="color: orange;">■</span> Arab State</li> <li><span style="color: purple;">■</span> Jerusalem district</li> </ul> <p>© Encyclopædia Britannica, Inc.</p>	<p>Desiring to withdraw from the region Britain turns over the question of its mandate-Palestine to the UN. As a solution, the UN General Assembly passes Resolution 181 partitioning Palestine into two parts- a Jewish and Arab state. Under the proposal Jerusalem would've been an autonomous city with an international regime acting as governing body. This resolution sparks violence between Palestine residing Arabs and Jews.</p>
<p>May 14, 1948</p>	<p>Israel declares itself an autonomous state.</p>
<p>May 15, 1948 - March 1949</p>	<p>The Israeli War of Independence/ The Nakbah Due to Israel's declaration of statehood, an Arab military coalition consisting of Egyptian, Transjordanian, Iraqi, Syrian, and Lebanese troops mobilized into Israeli territory. It occupies southern and eastern Palestinian territory, proceeding to capture east Jerusalem. In return, by early 1949, Israeli forces occupy Negev and the main road to Jerusalem.</p>
<p>31 January, 1949</p>	<p>The United States recognizes Israel as a nation.</p>
<p>May 28, 1964</p>	<p>The Palestine Liberation Organization (PLO)</p>

June 5, 1967 - June 10, 1967



is founded.

### The Six-Day War

Following the creation of a mutual defense pact between Egypt, Jordan, and Iraq, Israel orchestrates an air attack destroying significant portions of the Egyptian and Syrian air forces. With their armies vulnerable, cumulatively, Israel captures the Gaza Strip, Sinai Peninsula, the West Bank, Golan Heights, and Jerusalem.

July 30, 1980

Israel annexes Jerusalem declaring it “whole and united [...] the capital of Israel”. This action is not recognized by the majority of the international community.

June 4, 1982- September 1982

**The First Lebanon War/ Operation Peace for Galilee**  
Due to the attempted assassination of an Israeli diplomat in London, Israel launches an operation against the bases of the PLO in Lebanon. Despite the counter attacks the PLO organized, it is overrun and fighting reaches West Beirut. This results in the withdrawal of the PLO from Lebanon.

1993-1995

**The Oslo Accords**  
As the Oslo Accords are ratified the PLO

	agrees to recognize Israel as a state. In return, the Israeli government allows Palestinians limited autonomous governance in the territories of the West Bank and Gaza.
October 31, 2011	UNESCO admits Palestine as a full member.
December 4, 2012	United Nations General Assembly resolution 67/19 is passed. This resolution endows non-member observer state status in the UN to Palestine.
December 6, 2017	Donald Trump moves the American embassy in Israel from Tel Aviv to Jerusalem, recognizing Jerusalem as the capital of Israel.
September 28, 2018	Palestine files an application to the ICJ contesting the legality of the embassy's move.

### Important Rulings:

Case	Pertinence
Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory	This is an advisory opinion written by the International Court Justice in response to resolution ES-10/14 in which the General Assembly asked the Court's opinion on the legality of Israel's construction of the wall around East Jerusalem. Whilst noting that this was an opinion the court found the construction of the barrier to be illegal.

### Jurisdiction within the International Court Justice:

According to the Statute of the International Court Justice, particularly Article 36, sub-article 2, the Court is eligible to dispense compulsory rulings regarding any disputes concerning:

- Interpretations of treaties;
- Interpretations of international law;
- The alleged breaches of an international obligation;
- The extent and nature of the reparations a party must produce for the breach.

## Advocate's Roles:

These are the rudimentary guidelines for what each set of advocates must prove when making their case. The guidelines are meant to serve as rudimentary basis for each case, noting the major contentions; advocates are to expand upon them or make whatever additional points they see fit.

### The Advocates of Palestine should:

- Prove Palestine is subject to the Statute of the International Court of Justice;
- Prove the International Court of Justice has jurisdiction over the case;
- Prove the case is admissible to the International Court of Justice;
- Prove Jerusalem, under international law, is not subject to solely Israel, or prove that Israel has attempted to illegally “alter the character or status” of Jerusalem;
- Clearly outline how the US is in violation of the Vienna Convention on Diplomatic Relations or any other international framework outlining Palestine’s territorial integrity.

### The Advocates of the US should:

- Prove Palestine is not subject to the Statute of the International Court of Justice;
- Prove the case is inadmissible to the International Court of Justice;
- Prove Jerusalem in whole, under international law, is territorially subject to only Israel;
- Prove that due to Israel declaring Jerusalem its capital the US has not violated the Vienna Convention on Diplomatic Relations.

## Procedural Note:

This is an ongoing case. However, since this is a simulation, the Court is still eligible to debate the Court’s jurisdiction over the case and Palestine’s ability to be party to the Statute of the International Court of Justice. Moreover, the Court assumes it begins proceedings on September 28 of 2018 as that is when the case was submitted. As such, because the Court weighs evidence admissibility any evidence produced in real life post the starting date will be inadmissible.

## Further Resources:

- [UN GA Resolution 67/19](#)
- [An assessment of the Palestine’s rights as a non-member observer](#)
- [UN GA Resolution 181](#)
- [Vienna Convention on Diplomatic Relations](#)

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### III. Case: Division of Nagorno-Karabakh Autonomous Region and the Artsakh Region (Armenia vs Azerbaijan).

#### Introduction:

Nagorno-Karabakh's contentious history began primarily in the 19th century when the region populated by Christian Armenians and Turkic Azeris was absorbed into the Russian empire. The region remained in a relatively peaceful state, but in 1923 was handed over to the Soviet Socialist Republic of Azerbaijan



by the Soviet government, the region therefore becoming a quasi-autonomous territory within Azerbaijan containing a population a majority of whom were Armenians. The region continued to enjoy this status of quasi-autonomy till ethnic tensions re-flared in 1988, with the weakening of the Soviet regime, as ethnic Nagorno-Karabakh Armenians raised demands for the region to be transferred to Armenia's jurisdiction. As the Soviet and Azeri governments opposed this demand, the region remained under Azeri jurisdiction but ethnic tensions were exacerbated. They remained high and upon the collapse of the Soviet Union, and the garnering of Armenia's and Azerbaijan's independence in 1991 the Armenians and Azeris in Nagorno-Karabakh went to war in the First Nagorno-Karabakh War. Armenians in the region, backed by the Armenian government, managed to capture a section of south-west Azerbaijan including Nagorno-Karabakh. A Russia led delegation managed to procure a ceasefire to this conflict in May 1994. The ceasefire and supplementary agreements largely held throughout the 2000s and the early to mid 2010s with the notable exception of the 2016 Four-Day War. However, brutal fighting re-started on September 27, 2020. With Armenia supported by Russia and Azerbaijan by Turkey the fighting escalated to an extent worse than that experienced in the First Nagorno-Karabakh War. Due to heavy casualties on November 9, 2020 Armenia's Prime

Minister Nikol Pashinyan agreed to a Russia-brokered cease fire the conditions of which required Armenia to hand over Nagorno-Karabakh and permit Russian peacekeepers to remain on ground for the next 5 years. During the period of engagement spanning from September 27 to November 9 Armenia has levied multiple accusations of military misconduct against Azerbaijan, alleging the mistreatment of civilians, prisoners of war, and the bombing of hospitals.

## Key Terms:

Term	Definition
Annexation	The act of one nation proclaiming sovereignty over a territory previously outside its domain.
Occupation	The takeover of a territory (often that of a different nation) through the use of force.
Referendum	A direct, universal vote in which the entire electorate votes on one particular issue.
Ethnic Cleansing	Rendering an area ethnically homogenous by using force or intimidation to remove persons of given groups from the area.

## Major Actors:

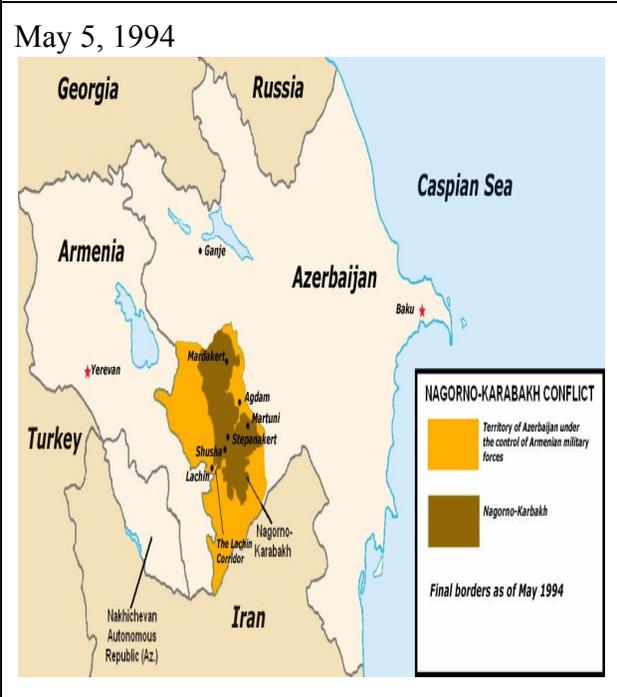
Name	Role
Armenia	The applicant in this case, Armenia has historically laid claim to the Nagorno-Karabakh by virtue of its primarily ethnically Armenian population.
Azerbaijan	Historically exercising jurisdiction over the Nagorno-Karabakh region, Azerbaijan contests Armenia's claims to the region.
Russia	A contemporary ally of Armenia and historical mediator of the conflict, Russia has aided in negotiating trilateral ceasefires and declarations regarding Nagorno-Karabakh most notably in 1994,

	2008, and 2020. Russia also possesses its own geopolitical interest in the region.
Turkey	Azerbaijan's most fervent supporter in the most recent re-ignition of the conflict, Turkey supports Azerbaijan with weaponry and possesses geopolitical interests within the region.
International Court of Justice	As both sides see the conflict as a territorial dispute, the International Court of Justice is the organ which exercises jurisdiction over this dispute.

## Timeline:

Event Date	Synopsis
1813	The Nagorno-Karabakh region is absorbed into the Russian Empire.
1923	Post the Soviet Revolution the Soviet-Russian regime declares Nagorno-Karabakh a semi-autonomous region but hands it over to the jurisdiction of the Soviet Socialist Republic of Azerbaijan.
February 20, 1988	The Nagorno-Karabakh national assembly votes in favor of reuniting with Armenia. The votes is followed by a referendum to grant the region independence, but local Azeris boycott it.
November 26, 1991	In response to the Nagorno-Karabakh referendum Azeri parliament passes the Law on Abolishment of the Nagorno-Karabakh Oblast.
December 25, 1991	The Soviet Union formally dissolves. The international community formally recognizes Armenia's and Azerbaijan's statuses as nations.
1992	Full scale fighting breaks out during the First Nagorno-Karabakh War. In light of the

refugee crisis, the war is causing both sides to start leveling accusations of ethnic cleansing. Armenians accuse Azeris of ethnic cleansing of Armenians through the Sumgait and Baku programs. Inversely, Azeris accuse Armenians of ethnic cleansing of Azeris through the Gugark program and in the Khojaly massacre.



The Bishkek protocol is signed, effectively ending the First Nagorno-Karabakh War. The casualty numbers by the end of the war reach thirty thousand. Armenia controls the Nagorno-Karabakh region and twenty percent of surrounding Azeri territory. Russian officials help broker the ceaser-fire agreement.

November 2, 2008

Presidents Ilham Aliyev of Azerbaijan and Serzh Sargysan of Armenia sign The Declaration of the Republic of Azerbaijan, Armenia, and the Russian Federation in which they avow to establish stability in the Nagorno-Karabakh region through political mediation based on international law. The Declaration is supplemented by the OSCE (Organization for Security and Co-Operation in Europe) Madrid Declaration on Environment and Security.

April 2, 2016 - April 5, 2016

The worst fighting breaks out in the region since 1994. The fighting ends with 12 dead and 300 injured. Both sides accuse each other of beginning the fighting. As a result of the fighting Azerbaijan is able to better its position marginally. The OSCE brokers a

	cease-fire though it is repeatedly violated.
September 27, 2020- November 9, 2020	The heaviest ever fighting resumes in the region, spanning 6 weeks. Compounding the heavy casualties, Armenia levels accusations of military misconduct at Azerbaijan. Videos surface of the Azeri army mistreating Armenians POWs (prisoners of war). Similarly both sides issue statements implying intention to commit ethnic cleansing. Due to Turkey's extensive backing Azerbaijan emerges a distinct victor with Azerbaijan recapturing the region and surrounding territory. Additionally the peace agreement, brokered with the help of Russia, demanded Armenia withdraw troops from adjacent territories. Turkey is granted a corridor to the Nakhichevan enclave through Armenian territory. Russia is able to station peacekeepers on ground in the Nagorno-Karabakh region.

**Jurisdiction within the International Court Justice:**

According to the Statute of the International Court Justice, particularly Article 36, sub-article 2, the Court is eligible to dispense compulsory rulings regarding any disputes concerning:

- Interpretations of treaties;
- Interpretations of international law;
- The alleged breaches of an international obligation;
- The extent and nature of the reparations a party must produce for the breach.

Moreover, war crimes such as those outlined within the Geneva Conventions fall under the jurisdiction of the International Criminal Court not the International Court of Justice. As such advocates cannot base their applications for this case solely on grounds of prisoner mistreatment. However they may use the protocols as a supplement if they believe that such mistreatment violates prior international obligations between Azerbaijan and Armenia.

**Advocate’s Roles:**

These are the rudimentary guidelines for what each set of advocates must prove when making their case. The guidelines are meant to serve as rudimentary basis for each case, noting the major contentions; advocates are to expand upon them or make whatever additional points they see fit.

**The Advocates of Armenia should:**

- Prove the case falls under the jurisdiction of the International Court of Justice;
- Prove the case is admissible to the International Court of Justice;
- Prove Azerbaijan has violated an international obligation to Armenia or an international treaty in regards to Nagorno-Karabakh;
- Demand and quantify the extent of reparations Azerbaijan must give to Armenia.

**The Advocates of Azerbaijan should:**

- Prove the case is inadmissible to the International Court of Justice;
- Substantiate that Azerbaijan has not violated any international obligations to Armenia in regards to cooperation or the legal status of the Nagorno-Karabakh region;
- Outline a mechanism through which Azerbaijan may substantiate its legal claim over the region.

**Further Resources:**

- [Madrid Declaration on Environment and Security](#)
- [The Declaration of the Republic of Azerbaijan, Armenia, and the Russian Federation \(2008\)](#)
- [Statement by President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia and President of the Russian Federation \(2020\)](#)
- [UNESCO Obligation Regarding the Nagorno-Karabakh Region \(2020\)](#)
- [The Third Geneva Convention](#)

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