



International Court of Justice

Descriptions of the cases

International humanitarian law

Applicant: Highlandia

Defendant: Esoteria

An armed conflict was ongoing between states Esoteria and Highlandia. Esoteria was occupying about 10% of the territory of Highlandia and is now exercising public authority in this area.

Highlandia was trying to take back control of this area. Near the edge of the occupied territory laid the city of Nwot, one of the largest cities in Highlandia (it was under the control of Highlandia). As a part of a movement of Highlandia's military units, 300 soldiers, of which 5 were generals and 50 commissioned officers, were accommodated in a former school for two days. The school was 20m away from a civilian hospital. The hospital was clearly marked and was the largest in the area. There were 2.000 patients and personnel in the hospital. It was planned that after two days, the soldiers would move out of the city.

Thanks to an espionage, Esoteria found out about Highlandia's operations and carried out an airstrike at 22:00. During the bombardment, all 300 soldiers were killed, however 1.800 patients and medical personnel were killed as well. Another 200 were severely wounded. The hospital was destroyed and was no longer able to function.

The attack deepened the hatred of the population of Highlandia towards Esoteria's soldiers. Five of the city managers in the occupied territory called upon the civilians to attack state Esoteria's soldiers. Civilians, in ordinary civilian clothes, began attacking the soldiers of Esoteria – they were shooting at the soldiers and throwing objects at them. They also used homemade explosives to blow the military vehicles up and set fire to the barracks, etc. The minister of defense of Highlandia approved of the actions of the civilian population in an interview broadcast on TV. He proclaimed that they were a legitimate response to the destruction of the hospital and murder of innocent civilians.

As a result of these attacks executed by civilians, 50 soldiers were killed or severely injured. Esoteria reacted by arresting all twenty city managers in the occupied territory and by repeatedly searching the homes of civilians and confiscating valuables and other personal belongings.

After the end of the armed conflict, the two states decided to submit their dispute to the ICJ.

Highlandia as the Applicant demands compensation from Esoteria for the destruction of the hospital and claims that state Esoteria has violated the **prohibition of indiscriminate attacks** and **attacks on civilian hospitals**.

Esoteria refuses to admit any responsibility and points out that it was Highlandia who endangered the hospital by **stationing troops in its proximity**, which is a breach of the international humanitarian law. Esoteria further claims that the attack was in accordance with the **principle of proportionality** and that it was able to gain a significant military advantage by attacking the school building, which was a **military objective** at the time.

Esoteria on the other hand demands compensation from Highlandia for the unlawful death and serious injuries caused by civilian attacks on Esoteria's soldiers. the acts to be **prohibited perfidy**

and points out that Highlandia's government officially endorsed the attacks. Therefore, the **responsibility** for the acts of perfidy is **attributable** to Highlandia.

Highlandia opposes the claims and denies that it officially endorsed the civilian attacks and claims that Esoteria violated the international humanitarian law when it arrested all city mayors in the occupied area even if they did not personally call for the attacks. Together with the repeated house searches and confiscations of valuables these acts constitute **prohibited reprisals**. Esoteria points out the large extent of the damage caused by the attacks of civilians and the need to quickly and effectively prevent further attacks by civilians.

The words in bold are key for solving the Case and should be searched for in treaties, case-law and other sources of law.

The Advocates shall find these sources of law helpful:

- 1) Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949),
- 2) Additional Protocol to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts (1977)
- 3) the case Diplomatic and Consular Staff in Tehran, 1980 (ICJ)
- 4) Draft Articles on Responsibility of States for Internationally Wrongful Acts (is not legally binding, but many of its rules are customary law and are used by ICJ in its judgments)

This list of relevant law is not exhaustive, Advocates should conduct their research and find more sources.

Diplomatic law

Applicant: Evig

Defendant: Eveicer

States Evig and Eveicer have had a long history of mutual hostility that dates back to the Middle Ages. However, in the last few decades there have been successful attempts to improve their mutual relations. A cultural mission of the more developed state of Evig in the less developed Eveicer, which was established on the basis of a fixed-term (for 10 years) treaty, had become a highlight of their cooperation. The agreed purpose of the mission was to support economic development and improve the living standards in Eveicer. Evig has agreed to serve the purpose of the mission by sending delegates to Eveicer. Eveicer committed to provide financial assistance to Evig's mission. After just 3 years of functioning, the mission had brought many successes. However, after 3,5 years, information has emerged indicating that Evig has also been conducting secret **espionage** in Eveicer. The treaty gave Evig the privilege that the mission building would be **inviolable** in identical extent to Article 22 of the Vienna Convention on Diplomatic Relations and that Eveicer therefore could not enter the mission building without prior authorization.

However, Eveicer police officers did not respect the ban and entered Evig's mission building. Later that day, media reported that the police of Eveicer received an anonymous phone call threatening the detonation of a bomb in the mission building, meaning that the police intervention was urgent. Documents containing sensitive secret information belonging to Eveicer were confiscated in the mission building during the police operation, confirming suspicions that Evig was using the mission to conduct espionage. One of the documents was even signed by the head of the mission, Mr. Enoemos. The documents were reportedly found in one of the libraries, which had to be searched for the bomb threat.

Mr. Enoemos promptly traveled back to Evig, apparently in an unplanned fashion, only a few hours after the evidence of espionage were secured. In reaction to the events, Evig issued an official statement in which it denied the accusations of it conducting espionage and questioned the authenticity of the signature of Mr. Enoemos and stated that everything was a contrived provocation. It also said that it wished to continue to fulfill obligations from the treaty. State Evig pointed out that the police intervention violated the terms of the treaty.

Eveicer refused to continue fulfilling the treaty and stopped providing Evig with the agreed financial resources. It also refused to pay for the past half year of the mission as the payment was due a few days after the incident in the mission building. Eveicer claimed that it was no longer responsible for fulfilling the treaty because Evig planned on using the mission as a cover for espionage from the very beginning and therefore was not acting in **good faith** from the very beginning. Eveicer claimed that the treaty is (if not completely **void**) **invalid** according to provisions of the **Vienna Convention on the Law of Treaties**. It also pointed out that the intervention in the building was fully in accordance with international law, because it was a **necessity**, if not **distress**, as enshrined in Draft Articles on Responsibility of States for Internationally Wrongful Acts.

Evig and Eveicer turned to the ICJ with their dispute. Evig requires the Court to rule that Eveicer is bound to fulfill the treaty.

The words in bold are key for solving the Case and should be searched for in treaties, case-law and other sources of law.

The Advocates shall find helpful these sources of law:

- 1) Vienna Convention on the law of treaties
- 2) Draft Articles on Responsibility of States for Internationally Wrongful Acts (This is not a treaty, so it is not legally binding, but many of its rules are customary law and are used by ICJ in its judgments. It is advisable to read also the commentary to the relevant provisions of the Draft Articles.)
- 3) case concerning the Preah Vihear Temple, 1962 (ICJ)
- 4) case concerning the Gabčíkovo-Nagymaros project, 1997 (ICJ)

This list of relevant law is not exhaustive, Advocates should conduct their research and find more sources.

Terrorism and state sovereignty

Applicant: Begonia

Defendant: Anthuria

States Anthuria and Begonia share a border. While the population of Anthuria is of 80% Anthur ethnicity and 10% Ronim ethnicity, the population of Begonia is 95% Ronim. The Ronim ethnicity in Anthuria is complaining of discrimination. The Ronims are on average less educated and have lower wages, their life expectancy is lower and they have higher rates of incarceration. Since the year 2010, it is illegal to express animist beliefs in public, yet 98% of Ronims are animists. On the other hand, less than 1% of Rojams are animists.

A part of the Ronim population is becoming increasingly radicalized and in 2014, a movement called "Ronim Power" was formed. Citizens of Begonia are also participating in the movement. "Ronim Power" is very critical of the situation in Anthuria and is organizing protests that often turn violent (attacks on the police, damage of property). The authorities of Anthuria have banned "Ronim Power"

demonstrations and arrest protesters. They issue a statement saying that the protests will certainly not lead to a change in government policy and legislation.

On October 20th, 2015, there is a terrorist bomb attack on the parliament building of Anthuria, which kills 15 people and injures 20 others. Three attackers are identified using security camera footage. Two are from Begonia and one is from Anthuria. Two days after the attack, “Ronim Power” claims responsibility for it and proclaims that Ronims have to resort to violence if the government refuses to negotiate.

All three attackers are able to escape to Begonia on the very day of the attack. Anthuria submits an official request to Begonia to extradite the attackers. However, the two states have no agreements on the extradition of perpetrators of crimes and Begonia refuses to arrest and hand over the attackers. On October 22, a post appears on Begonia’s foreign minister’s official Facebook page saying “It is the government of Anthuria, not Ronim Power, who has blood on the hands. No nation can tolerate oppression. Ronims, continue fighting!”.

On December 12th 2015, the government of Anthuria announces that it has arrested the terrorists responsible for the attack and criminal proceedings have begun. On December 10th 2015, six armed men in uniforms looking like Anthuria army’s uniforms were seen near the house of the terrorists in Begonia. Anthuria did not submit any pronouncement regarding the report. In a short trial, the perpetrators of the terrorist attack are sentenced to a lifetime in prison, in accordance with Anthuria’s criminal code.

After negotiations, Anthuria and Begonia submitted their dispute to the ICJ.

Begonia, as the Applicant, is claiming that Anthuria has violated its **state sovereignty** and **territorial integrity** when its authorities kidnapped the terrorists from Begonia’s territory without state Begonia’s consent. Therefore, by **using force**, Anthuria has violated one of the basic principles of international law. Begonia requests that the ICJ rules that the apprehension of the perpetrators by Anthuria was a violation of Begonia’s sovereignty and international law.

Anthuria **attributes responsibility** for the terrorist attack to Begonia B on the basis of their foreign minister’s statement and its refusal to extradite the attackers, which means that the actions of Begonia (the terrorist attack) qualify as **unlawful use of force**. Anthuria denies that its authorities kidnapped the terrorists. Further, Anthuria claims that even if they did so, the kidnapping of the attackers would constitute **self-defense**, carried out in accordance with the **principle of proportionality**.

The words in bold are key for solving the Case and should be searched for in treaties, case-law and other sources of law.

The Advocates shall find helpful these sources of law:

- 1) the Charter of the United Nations
- 2) the case Military and Paramilitary Activities in and against Nicaragua (Nicar. v. U.S.), 1986 (ICJ)
- 3) the case Diplomatic and Consular Staff in Tehran, 1980 (ICJ)
- 4) Draft Articles on Responsibility of States for Internationally Wrongful Acts (Note that it is not a treaty, so it is not legally binding, but many of its rules are customary law and are used by ICJ in its judgments. It is advisable to read also the commentary to the relevant provisions of the Draft Articles.)

This list of relevant law is not exhaustive, Advocates should conduct their research and find more sources.