

YMCA MODEL UNITED NATIONS 2025

Case Descriptions

Committee: International Court of Justice

Chairs: Zoe Urbano and Carson Donnelly

General Notes/Rules

- All the cases used are real ICJ cases with real decisions. We strongly advise against researching the verdicts on any of the cases provided from the International Court of Justice.
- The actual ruling of the ICJ cannot be referenced by either the teams or jurors.
 - If the court's decision is cited in any brief or used as evidence during the case, we will strike it from the record.
 - Remember that there is a strong argument on both sides of all of our cases, which is why they were selected. The winner will simply come down to which team does the better preparation and debating.
- Any questions or points of clarification can either be brought up by email to an officer or it can be addressed during the mandatory mock session before the conference.
- We are performing the cases as if we're in the time period they actually took place.
 - We cannot reference any events that occurred after the real case was decided.
 - This includes any cases that occurred/closed after the case that was assigned reached a verdict.

Case #1: United States Diplomatic Consular Staff Tehran (United States of America v. Iran)

Background

On November 4, 1979, the United States filed suit against Iran at the International Court of Justice (ICJ) as a result of a group of Iranian militants seizing the United States embassy in Tehran, taking 52 diplomatic and consular staff hostage for over a year. The United States claimed that Iran had violated the **Vienna Convention on Diplomatic and Consular Relations**, which outlines the protection embassies have within sovereign territories. Subsequently, the U.S. also claimed that Iran violated the **Treaty of Amity, Economic Relations and Consular Rights**, which was signed by both nations to promote peace and provide assistance to citizens within both countries to maintain peace. While it was not directly the Iranian government holding the hostages captive, the Iranian government did not stop the attack or demand that the militant group release the hostages. Iran also refused to negotiate with both the U.S. and the United Nations by not attending any of the ICJ trial proceedings. Iran argued that the seizing of the embassy was a response for the 1953 coup d'etat that the CIA helped promote.

Case Issue

The case issue is whether Iran violated its obligations under the Vienna Convention on Diplomatic and Consular Rights as well as the Treaty of Amity, Economic Relations and Consular Rights, even though they did not directly hold any of the embassy staff hostage.

Discussion Questions

1. Does the ICJ have jurisdiction over this case?
2. Did the United States breach international law by participating in the 1953 coup d'etat?
3. Depending on the decision this case may set a precedent that nations are responsible for the actions of allegedly independent groups in their country. Therefore, what would be the long-term significance of setting this precedent?

Resources:

1. "United States Diplomatic Consular Staff Tehran (United States v. Iran)" - International Court of Justice <https://www.icj-cij.org/case/64>.

(Highly Recommend) Description: This is a complete overview of the case that provides a brief summary, including a timeline of the case with all of the treaties and supporting documents for the original case.

- a. See "INSTITUTION OF PROCEEDINGS" and "WRITTEN PROCEEDINGS" at the bottom for the initial lawsuit.
2. Bechtel, Kenneth "The Iran Hostage Crisis"- Center for History Education at the University of Maryland, Baltimore County [https://www2.umbc.edu/che/tahlessons/pdf/The_Iran_Hostage_Crisis\(PrinterFriendly\).pdf](https://www2.umbc.edu/che/tahlessons/pdf/The_Iran_Hostage_Crisis(PrinterFriendly).pdf).

(Highly Recommend) Description: This is a scholarly analysis on the hostage crisis which most significantly incorporates alternate sources, such as shredded CIA evidence, letters from Jimmy Carter to Ayatollah Khomeini, and diaries from the hostages.

3. Williams, Walter-
<https://scholarship.law.wm.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1832&context=facpubs> - College of William & Mary Law School William & Mary Law School Scholarship Repository

Description: This source presents a breakdown of the international laws being used in the original case, helping to promote different narratives for both the plaintiff and the defense.

4. Bryne, Malcolm - "CIA Confirms Role in 1953 Iran Coup"- The National Security Archive, August 19, 2013 <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB435/>.

Description: Through the array of 35 once classified documents that were released by the CIA in 2013, it will provide background into the coup that Iran references.

5. Kratz, Jessie - "The Iran Hostage Crisis"- Prologue National Archives, November 29, 2021 <https://prologue.blogs.archives.gov/2021/11/29/the-iran-hostage-crisis/>.

Description: This source will provide background on the U.S. engagement in Iran before the hostage crisis occurred.

6. "Case Concerning United States Diplomatic and Consular Staff in Tehran (United States v. Iran)"- Tehran Oral Arguments Merits
<https://www.ilsa.org/Jessup/Jessup16/Batch%201/TehranOralArgMerits.pdf>.

Description: This is a complete document that contains all of the pleadings, oral arguments, and documents from the original case.

7. Zahrani, Mostafa T. - "The Coup That Changed the Middle East: Mossadeq v. The CIA in Retrospect"- World Policy Journal , Summer, 2002, Vol. 19, No. 2 (Summer, 2002), pp. 93-99 Published by: Duke University Press <https://www.jstor.org/stable/40209809>.

Description: Through this document it provides both analysis on the 1953 coup d'etat mentioned in Iran's statements and the effects that coup had on the destabilization of Iran for the following decades.

Case #2: Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)

Background

During the Bosnian War, as a result of ethnic divisions and historical tensions, thousands of Bosnian Muslims were killed in the Bosnian Genocide in Srebrenica. The atrocities were committed by the Serbian forces known as the Verkehrsverbund Rhein-Sieg (VRS) Army. On March 20, 1993, Bosnia and Herzegovina filed suit against the Federal Republic of Yugoslavia (which in 2001 became Serbia and Montenegro) for violating the **Convention on the Prevention and Punishment of the Crime of Genocide**. Bosnia and Herzegovina specifically cited **Article IX** for jurisdiction of the court. Article IX explains that any party in a dispute regarding an alleged genocide can request that the ICJ evaluate the case. Bosnia and Herzegovina also filed suit for previous violations of the **Geneva Conventions of 1949**, including **Protocol I from 1977** and **Land Warfare of 1907**. However, Serbia and Montenegro responded that the VRS Army was not directly aligned with the Serbian government and that the government did not specifically commit any of the killings. On May 4, 2001, Yugoslavia also reclaimed that the court had no jurisdiction based on *ratione personae*, which means that officials in top government positions receive immunity, in this case for alleged war crimes. The matter would need to be reassessed with the court issuing the principle of *res judicata*, where the Court issues a final judgment and no further appeals are permitted. The court will ultimately need to decide what liabilities that Serbia and Montenegro had in preventing genocide and not punishing those who carried out the genocide in accordance with the **International Criminal Tribunal (ICTY, or The Tribunal)** and the reparations attributed.

Case Issue

The case issue is whether Serbia and Montenegro violated the Application of the Prevention and Punishment of the Crime and Genocide despite the government not being aligned with the groups that committed the genocide.

Discussion Questions

1. Does the ICJ have jurisdiction over this case?
2. Given that the possible intent of the Bosnian Genocide was to destroy a group in part rather than as a whole, would the Genocide Convention apply to Serbia and Montenegro's actions?
3. If Serbia and Montenegro were not found to violate the UN convention, how would this set the precedent for other cases with ongoing genocides in countries that are overtaken by hostile regiments?
4. Should the ICTY's analysis and jurisprudence of the evidence for the genocidal intent from the VRS Army impact the ICJ's own analysis and conclusion of the case?

Resources

1. "Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) Overview of the Case" <https://www.icj-cij.org/case/91>.

(Highly Recommend) Description: This will include the chronology of all of the proceedings from the case as well as an overview of the case which will help to understand the Federal Republic of Yugoslavia becoming Serbia and Montenegro in 2001.

2. SáCouto, Susana - "Reflections on the Judgment of the International Court of Justice in Bosnia's Genocide Case Against Serbia and Montenegro"- American University Washington College of Law, 2007

https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1000&&context=hrbrief&&sei-redir=1&referer=https%253A%252F%252Fwww.google.com%252Furl%253F%253Dhttps%253A%252F%252Fdigitalcommons.wcl.american.edu%252Fcgi%252Fviewcontent.cgi%253Farticle%25253D1000%252526context%25253Dhrbrief%2526sa%253DD%2526source%253Ddocs%2526ust%253D1714331043772236%2526usg%253DAOvVaw0fGZXfnVhp7IW-omYFt_RP#search=%22https%3A%2F%2Fdigitalcommons.wcl.american.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D1000%26context%3Dhrbrief%22.

(Highly Recommend) Description: This provides a closer analysis of the complexity of being able to hold Serbia and Montenegro accountable without any convictions of individuals being charged with genocide through the International Criminal Tribunal.

3. "Summaries of the Decisions Application of the Convention on the Prevention and Punishment of the Crime of Genocide"- World Court Digest
https://www.mpil.de/de/pub/publikationen/archiv/world-court-digest.cfm?fuseaction_wcd=aktdat&aktdat=dec0207.cfm.

Description: Most notably within this source it provides clarification on Article 51 of the UN Charter that gives Serbia and Herzegovina the right to self defense but also the court's analysis on if Yugoslavia which was not in the UN from 1992-2000 (Serbia and Montenegro) applied to Article 35 which would allow non-members of the UN open to the court.

4. Stutts, Kenneth
https://studentorgs.kentlaw.iit.edu/jicl/wp-content/uploads/sites/5/2014/01/Prevention_Genocide-Abstract.pdf - Chicago-Kent College of Law, Spring 2007

Description: Provides a simplistic overview of the case going over the specific articles of the Prevention and Punishment of the Crime of Genocide used by both parties.

5. Asuncion, Amabelle C. "Pulling the Stops on Genocide: The State or the Individual?"- European Journal of International Law, Volume 20, Issue 4, November 2009, Pages 1195–1222 <https://academic.oup.com/ejil/article/20/4/1195/530737>.

Description: This will go into the different avenues for the landmark case that sets the precedent for other states about filing against the state or individuals when it comes to the crime of genocide utilizing both past precedent from state and individual cases.

6. Gill, T.D. - "The "Genocide" Case: Reflections on the ICJ's Decision in Bosnia and Herzegovina v. Serbia"- Hague Justice
https://www.elevenjournals.com/tijdschrift/hjj/2007/1/HJJ_187-4202_2007_002_001_004.pdf.

Description: Scholarly article focusing on personal commentary of the case which can offer versatile analysis for both sides.

Case #3: Aerial Herbicide Spraying (Ecuador v. Colombia)

Background

This case centers around the Colombian government's use of aircrafts to spray toxic herbicides, including glyphosate, into coca and poppy plantations used to make illegal cocaine and opium. The efforts were part of 'Plan Colombia,' a multi-million dollar initiative between Colombia and the United States to combat the illegal drug trade. However, much of the spraying was along Colombia's border with Ecuador, and strong winds continued to push the chemicals across the border. This unintended effect caused crops, people, and animals in Ecuador to suffer, leading to the lawsuit. Ecuador filed an application to initiate proceedings in the ICJ on March 31, 2008, claiming that Colombia continued to refuse negotiations. Ecuador claimed the ICJ had jurisdiction to hear the case based on **Article XXXI of the Pact of Bogotá**, signed in 1948 by both Ecuador and Colombia. This clause states that all parties will recognize ICJ rulings as legally binding in their interpretation of international law, as well as violations and penalties. Ecuador cited a violation of **Article 32 of the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances**, signed in 1988. This treaty stated that if negotiations between countries on drug policy fail, the matter will be settled by the International Court of Justice. In their application, Ecuador demanded that Colombia be prohibited from aerial herbicide spraying "on or near any part of its border with Ecuador" and have to compensate Ecuador for "any loss or damage caused by [Colombia's] internationally unlawful acts."

Case Issue

This case centers around the legality of Colombia's herbicide spraying. The lack of clear precedent on cross-border environmental issues makes this a contentious and well-known case as well. Despite previous environmental disputes such as *Costa Rica v. Nicaragua*, Colombia faces large threats from drug cartels and utilized spraying as part of an established anti-drug initiative. However, the collateral damage this was allegedly causing to Ecuadorian citizens provides an interesting dilemma for the Court.

Discussion Questions

1. Does the ICJ have jurisdiction over this case by Article XXXI of the Pact of Bogotá?
 - a. More specifically, have the negotiations failed to a degree that requires the ICJ to step in?
2. Did the threat to national and international security by drug cartels minimize or eliminate Colombia's liability for its alleged crimes?
3. How substantial is Ecuador's evidence that civilians are being harmed?

Resources

1. Aerial Herbicide Spraying (Ecuador v. Colombia) <https://www.icj-cij.org/case/138>.

(Highly Recommend) Description: Overview of the case from the ICJ website.

- a. See "INSTITUTION OF PROCEEDINGS" and "WRITTEN PROCEEDINGS" at the bottom for the initial lawsuit from Ecuador and responses from Colombia.

2. The Withdrawal of the *Aerial Herbicide Spraying Case* from the International Court of Justice - A Lost Opportunity for International Environmental Law? - Trinity College Law Review -
<https://trinitycollegelawreview.org/wp-content/uploads/2016/04/Aerial-Herbicide-Spraying-Case.docx#:~:text=The%20case%20of%20Ecuador%20v.neighbouring%20state.%E2%80%9D2%20Ultimately%2C.>

(Highly Recommend) Description: Explains how the court has lacked a consistent basis to determine cross-border violations of environmental law. It also gives a description of the case and future repercussions.

- a. Note: The source talks about what happened when the case was dismissed. You cannot mention this during our case since we are not allowed to reference the actual decision from the ICJ.

3. Colombia's Herbicide Spraying in the Crucible Between Indigenous Rights, Environmental Law and State Security - St. Thomas University School of Law -
<https://www.stu.edu/Portals/law/docs/human-rights/ihr/r/volumes/9/9-7%20Solano%20Colombias%20Herbicide%20Spraying.pdf>.

(Highly Recommend) Description: This source provides a description of key issues in the case and the future possible effects of the court's decision.

4. Update: Ecuador v Colombia, International Court of Justice - International Centre on Human Rights and Drug Policy <https://www.hr-dp.org/contents/72>.

Description: Provides a brief description of the case and a list of charges alleged by Ecuador.

5. The ICJ and the Future of Transboundary Harm Disputes: A Preliminary Analysis of the Case Concerning Aerial Herbicide Spraying (Ecuador v. Colombia)
<https://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1014&context=pilronline>.

Description: Provides a deep analysis of the issues presented in the case.

6. Ecuador Starts Action at UN World Court Against Aerial Spraying by Colombia
<https://news.un.org/en/story/2008/04/254402>.

Description: This source was published when the case was initially brought to the ICJ. It provides a description of some initial issues.

7. Aerial Spraying: Colombia's Toxic War on Drugs - France 24
<https://www.france24.com/en/20150513-colombia-aerial-spraying-roundup-hollande-cuba-paraguay-abortion-tornadoes-picasso>.

Description: This more recent video source provides a description of Colombia's War on Drugs and their use of herbicides.

8. Aerial Spraying of Herbicides in Colombia and Ecuador: Environmental and Human Rights Impacts

<https://www.ciel.org/news/october-2011-aerial-spraying-of-herbicides-in-colombia-and-ecuador-environmental-and-human-rights-impacts/>.

Description: This short article describes a later case that was filed in the United States against the company that produced Colombia's herbicides.

- a. Note: Although this case cannot be referenced in our Court, the article provides a description of the alleged impacts of the herbicides and whether they constitute "transboundary environmental harm."

Case #4: Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)

Background

In 1990, a coup d'état in Chad overthrew the oppressive and ruthless dictator of Chad, Hissène Habré, and he then fled to Senegal which granted him political asylum. Habré was charged in Senegal in 2000 but the case was dismissed the next year. As a result, in 2009, Belgium sued Senegal in the ICJ for refusing to prosecute Habré for his violations of human rights. Belgium claimed that Senegal violated the **Article IX of the UN Torture Convention**, and demanded that Senegal either prosecute Habré immediately or extradite him so he could be prosecuted in Belgium. Belgium also claimed Senegal violated **Article 7 of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**. They specifically cited the obligation to *aut dedere aut judicare* (the obligation to prosecute or extradite). Furthermore, Belgium alleged that Senegal violated **Article XI, paragraph 2 of the UN Torture Convention**, which states that a country must “immediately make a preliminary inquiry into the facts” if a person alleged of committing torture is present in the country. Clearly, Belgium was an outside actor in the initial controversy over Habré. However, it is important to note that Belgium invokes **universal jurisdiction** in the ICJ. This means a country can prosecute anyone (regardless of nationality) who committed crimes against humanity, torture, genocide, war crimes, etc.

Case Issue

This case centers around UN nations' responsibilities in allowing foreign nationals accused of torture reside in the country. However, this case was further complicated since Belgium was a nation outside of the dispute, and Senegal made some attempt in the past to prosecute Mr. Habré.

Discussion Questions

1. Does the ICJ have jurisdiction over this case?
2. Under international law, what should be the required degree of prosecution and criminal proceedings before a national court can dismiss charges of war crimes?
3. Is there an obligation to prosecute or extradite if a foreign national alleged of committing torture resides in a UN country?

Resources

1. Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal) - International Court of Justice - <https://www.icj-cij.org/case/144> **Highly recommended**

Description: This is the main summary of the case on the ICJ's website.

- a. See “INSTITUTION OF PROCEEDINGS” and “WRITTEN PROCEEDINGS” at the bottom for the initial lawsuit from Ecuador and responses from Colombia.
2. Belgium v. Senegal - International Crimes Database Project - <https://www.internationalcrimesdatabase.org/Case/750> **Highly recommended**

Description: This is a very helpful source to get an overview of the case and its issues. It goes into the history leading to the dispute, major people/nations involved, overall arguments for each side, etc.

3. Habré Case: Q&A on “Belgium v. Senegal” - Human Rights Watch
<https://www.hrw.org/news/2012/03/29/habre-case-qa-belgium-v-senegal> **Highly recommended**

Description: This source describes the life and actions of Hissène Habré, the Chadian dictator who the case centers around.

4. The Habré Case at the International Court of Justice – Belgium versus Senegal - Justice in Conflict
<https://justiceinconflict.org/2012/03/01/the-habre-case-at-the-international-court-of-justice-belgium-versus-senegal/>

Description: This article further summarizes arguments from each side.

5. Belgium/Senegal: World Court to Hear Habré Trial Dispute - UN Refugee Agency
<https://webarchive.archive.unhcr.org/20230518191240/https://www.refworld.org/docid/4f3e58542.html>

Description: This source is from when the case was initially brought, reviewing the facts of the dispute.

6. The ICJ's Senegal v. Belgium Judgment and the Obligation to Prosecute or Extradite Alleged Torturers: The Case of Al Bashir and the ICC - Oxford University
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3402713

Description: This source describes the repercussions of the case and relates it to a case in the International Criminal Court.