



# **ALMUN XV BACKGROUND GUIDE**

**Specialized Agencies:**  
*International Court of Justice*

ALMUN XV:  
International Court of Justice

Chair: Madison Emerick

Co-Chairs: Martin Adams and Josh Nover

## Table of Contents

<b>Table of Contents</b>	<b>3</b>
<b>LETTER FROM THE DIRECTOR-GENERAL</b>	<b>4</b>
<b>A Note On Research, Preparation, &amp; Position Papers</b>	<b>6</b>
<b>Letter From the Chair</b>	<b>10</b>
<b>Letter from the Co-Chairs</b>	<b>11</b>
<b>Committee Overview</b>	<b>12</b>
<b>Parliamentary Procedure</b>	<b>13</b>
<b>Case 1: Israel, UK, France vs Egypt 1956</b>	<b>15</b>
Summary	15
Historical Context	15
Legislation and Precedent in Question	17
Facts of the Case	19
Questions to Consider	20
Research Sources	21
<b>Case 2: Belgium vs Senegal</b>	<b>22</b>
Summary	22
Historical Context	22
Legislation in Question	23
Facts of the Case	25
Questions to Consider	27
Research Sources	28
<b>Character Dossier</b>	<b>29</b>
<b>Bibliography</b>	<b>31</b>

# LETTER FROM THE **DIRECTOR-GENERAL**

Esteemed Faculty and Delegates,

Welcome to **ALMUN XV**! My name is Emmy K. Smith, and I have the pleasure to serve as the Director-General for the fifteenth iteration of the distinguished Alabama Model United Nations Conference. I am a current junior at The University of Alabama majoring in International Studies with a triple minor in Arabic, Counterterrorism, and the Blount Scholars Program with plans to pursue my Master's in Public Administration here at Bama. Although the last couple iterations of ALMUN have had to be canceled or virtually conducted, I am so excited to be back in person with the Southeast's premier MUN conference for high school students! We worked hard to offer a variety of committees for our delegates ranging from traditional General Assemblies to unexpected Crisis Committees to the blend of procedures that create the International Court of Justice and Press Corps.

I have participated in ALMUN since I was a junior in high school, and I fell in love with it instantly. Carrying into college, MUN has completely shaped my college experience, friend group, career goals, and opportunities. With the Alabama International Relations Club's MUN team, I have had the honor to travel the country, build lifelong friendships, and take chances that never would have been possible without MUN. Without MUN, I would be nowhere near the person I am today. The value of my experiences as a delegate, staffer, and secretariat member within the MUN world cannot be overstated.

If this is your first experience with MUN, I hope that you, too, will find that spark that ignites your life in a variety of ways. I sincerely hope that ALMUN can provide you with a renewed sense of passion and joy that will stay with you past high school. If you have any questions about ALMUN, your committee, AIRC, MUN, or anything else, please feel free to reach me at the email listed below. I wish you the best of luck in your research and preparation - see you at ALMUN, and Roll Tide!

Best,

Emmy K. Smith

Director-General of ALMUN XV

[almun.dg@gmail.com](mailto:almun.dg@gmail.com)

## A Note On RESEARCH, PREPARATION, & POSITION PAPERS

Your experience as an ALMUN delegate begins during the time spent leading up to the conference. Proper research and preparation are key to a successful and valuable experience at ALMUN and any MUN conference. For new delegates, this preparation may seem like a daunting task. However, the ALMUN staff is here to help, and these notes should help you structure your lead-up time.

The first place to start your research should be your committee's Background Guide. This is a document prepared by committee staff for their specific committees' delegates. It contains historical contexts, overviews of your topics, and what the staffers will expect from delegates. This document is the perfect jumping off point for all of your research and will also help understand the innerworkings, schematics, and purpose of your character/country assignment as well as your role as a delegate during the conference. These documents can be found on the ALMUN website under your committee.

Position papers are delegates' first interactions with the dais (your committee staffers) and is the final product of a student's preparation and research for any Model United Nations conference. It contains informed perspectives and histories of the state a delegate represents and is crucial to creating an authentic MUN experience. Specific expectations for position papers are listed below.

All delegates are *strongly* encouraged to submit position papers. Position papers are required for a delegate to be considered for awards. Additionally, there is an award for Best Position Paper within each committee.

## FORMAT

- ICJ position papers should be two pages long. Content for the paper will be one page per case. Do not exceed one page per case.
- Documents should be written in single spaced, 12 pt, black, Times New Romans font.
- The document should begin with a three line header on the left side that reads as such:

Name of Delegate

Delegate's Country Assignment

Delegate's Committee

- Additional research outside of the background guide is discouraged, but if you do use outside sources, citations are required. References will be cited using footnotes in MLA format. Include the URL for electronic sources. We strongly encourage using solely electronic sources for ease of reference.
- ICJ delegates will write a preliminary research document surrounding each of the cases presented before them. Each topic will be one page in length and formatted to the guidelines below.

## CONTENT

Position papers will have three paragraphs outlined as follows:

- 1. First paragraph:** Introduces the delegate's perception of the case at hand; includes a summary of the parties' general arguments for remedy.

2. **Second paragraph:** Analyzes potential documents (treaties, resolutions, laws) that may be used as precedent in the case or have merit to be discussed before the Court.
3. **Third paragraph:** Consists of an informed discussion of solution to be proposed; uses research done through presentation of new and creative ideas.

## OTHER TIPS & NOTES

- Do not write in first person; write as the character represented (e.g. “The Justice of \_\_\_ leans...”)
- Avoid the passive voice.
- Write matter-of-factly rather than with embellished language.
- Use the example position paper provided on the ALMUN website for ideas on how the writing and style should look, as well as how to present the information needed to prepare for the conference.

---

If you are looking for more information on how a committee runs and debate flows, please check out our [Delegate Resource Guide](#) and [Handbook for Rules and Procedures](#). These two documents will break down everything you need to know about awards, parliamentary procedure, and even offer a brief rundown and history of your committee’s branch.

---

Please submit all position papers to [this Google Form](#)  
no later than February 10th, 2022 at 11:59 p.m. CT.

**DELEGATES THAT DO NOT SUBMIT POSITION  
PAPERS WILL BE INELIGIBLE FOR AWARDS.**

## Letter From the Chair

Dear Delegates,

It is my pleasure to welcome you to the fifteenth annual Alabama Model United Nations conference and to the International Court of Justice committee! I am thrilled to be hosting you this weekend as I look forward to an exciting conference filled with engaging discussions as you debate the issues I've placed before you. I can't wait to meet you all and listen to each of your unique perspectives on these complex topics.

I am currently a senior at the University of Alabama majoring in History and Psychology with a minor in Spanish. I am involved in multiple organizations on campus such as CHAARG, a women's fitness organization, Tide Against Suicide, and, of course, the Alabama International Relations Club, or AIRC. When I am not studying, I also participate as a member of the collegiate MUN travel team!

I have previously served as co-chair of the International Court of Justice in the twelfth iteration of ALMUN and as chair of the ICJ last year in the fourteenth ALMUN and look forward to my reprisal of this role for this year's conference. I have decided to do some things a bit differently this year and hope to place complex issues in front of you for debate.

If you have any questions, feel free to contact me at [mgemerick@crimson.ua.edu](mailto:mgemerick@crimson.ua.edu)!

Best wishes and Roll Tide!

Madison Emerick

[mgemerick@crimson.ua.edu](mailto:mgemerick@crimson.ua.edu)

## Letter from the Co-Chairs

Dear Delegates,

Hello, and welcome to the International Court of Justice committee in our fifteenth Alabama Model United Nations conference. We're looking forward to meeting all of you, and to seeing how you approach the issues on the table as members of one of the world's foremost judiciaries. We wish you good luck in your debates.

I am Martin Adams, a sophomore here at the University of Alabama. I'm majoring in Math, with a minor in American studies. In addition to the International Relations Club, I'm involved in the Honors college, the Black Warrior Film Festival, and the Association for Women in Mathematics. I'm from up north in Virginia, so I'm excited to experience my first ALMUN along with all of you.

Howdy y'all! My name is Josh Nover and I'm a freshman here at Alabama. I'm majoring in History and Geography. I'm in the Alabama International Relations Club and also in the Crimson Historical Review. I'm from Alpharetta, GA, a city a bit north of Atlanta, and this is my first ALMUN and I'm excited to be y'all's co-chair. Roll tide!

Feel free to contact us with any questions and all the best,

**Co-Chairs**

Martin Adams

[mradsams5@crimson.ua.edu](mailto:mradsams5@crimson.ua.edu)

Josh Nover

[jnnover@crimson.ua.edu](mailto:jnnover@crimson.ua.edu)

## Committee Overview

Chapter XIV of the United Nations Charter, written in 1945, established the International Court of Justice as the judicial body of the United Nations. One of the hallmarks of ICJ is that any nation that is a party in a case must comply with the Court's decision; it can make binding decisions. The caveat is that nations can choose whether or not they bring cases before the Court. The International Court of Justice has a rich history full of drama and intrigue, scandal, and a cast of interesting characters. From civil wars to whaling complaints, the ICJ covers a wide range of topics and issues. The mission of the Court is to resolve disputes between member states and provide advisory opinions to the United Nations on matters that the General Assembly and Security Council seek advice on. As an Associate Justice of the International Court of Justice, you are tasked with coming up with and debating comprehensive solutions.

We have placed two cases before you to debate this weekend: *The State of Israel, The French Fourth Republic, and The United Kingdom vs The Republic of Egypt (1956)* and *The Kingdom of Belgium vs The Republic of Senegal (2012)*. The first case is a case of our own creation concerning the Suez Canal Crisis of 1956. This case is an economic suit between Israel, France, and the UK vs Egypt over the Egyptian nationalization of the Suez canal in 1956 and Egypt's countersuit against the three states' invasion on Egyptian soil. This case will be set in the midst of the Suez Crisis where justices will be expected to respond to this crisis as it continues to go on. The second case was submitted by the Kingdom of Belgium suing the Republic of Senegal over the obligation to prosecute perpetrators of war crimes and crimes against humanity, specifically concerning the case of the former Chad president, Mr. Hissene Habre.

## Parliamentary Procedure

This committee will run following standard General Assembly parliamentary procedure with the primary vehicles of debate being moderated and unmoderated caucuses. In order to allow for substantive debate, we will begin with a speaker's list for delegates to begin advocating which case they would like to debate first. We hope that this committee will be able to thoroughly debate both cases, however, this is subject to change depending on how the weekend unfolds.

The flow of debate for each case should begin with establishing whether the International Court of Justice has jurisdiction over this case. Debate over different aspects of the case should then follow. Unmoderated caucuses should then follow after significant moderated debate and be used to begin working on draft judgments.

In addition to the standard General Assembly procedures, we will also include some crisis elements as this committee is a specialized agency. We will have crisis updates as debate progresses which will allow for further evidence to be uncovered so that we may foster a more exciting flow of debate. These crisis updates will be used to recount significant events in each case to advance debate at the dais' discretion. We hope to use this vehicle of debate as an exciting way to ensure delegates adequately address all aspects of the cases presented. Delegates will be expected to respond to these crisis updates in a timely manner through extensive moderated debate and take this information into account for their final draft judgments.

As the weekend advances, delegates will be expected to collaborate on and contribute to working papers, which will eventually turn into draft judgments. Working papers and draft judgments should not exceed 5 pages in length and should be written

in a standard GA format including both preambulatory and operative clauses. These papers will be expected to address the alleged violations of each case and determine which parties are responsible and if they should be appropriately punished. We also ask for these papers to include guidelines for how this case should be addressed realistically through an enforcement of punishment or otherwise. The dais will reserve the right to restrict how many working papers and draft judgments will be submitted for debate.

We will only pass one judgment per case, therefore, we expect thorough debate on each working paper before entering the voting procedure. Amendments to working papers will be allowed. All delegates will be required to vote for each working paper as justices of the International Court would be expected. There is no allowance for abstentions. Delegates will be evaluated on both their in room (speaking) and out of room (writing and diplomacy) skills.

## Case 1: Israel, UK, France vs Egypt 1956

### *Summary*

Egypt has submitted this case against Israel, the United Kingdom, and France, alleging that these three countries have broken international law, including treaties such as the Constantinople Convention of October 1888 and the Israeli-Egyptian General Armistice Agreement, by invading upon Egyptian soil following Egypt nationalizing the Suez Canal in 1956 through the Egyptian Nationalization Law of 1956.

All three accused countries have responded with a countersuit against Egypt alleging that the Egyptian Nationalization Law of 1956 breaks multiple international agreements and causes great economic burden on these three nations' maritime trade. Delegates will be asked to establish whether the court has jurisdiction based on the facts of the case and how the case will be judged based on the legislation in question.

### *Historical Context*

The Suez Canal is a man made waterway constructed by Ferdinand de Lesseps in 1858 under the direction of the Suez Canal Company, a multinational firm organized for the sole purpose of constructing and operating the canal. The canal was officially opened in November of 1869<sup>1</sup>. The Suez Canal bisects the continents of Asia and Africa by connecting the Mediterranean Sea and the Red Sea, which allows for trade vessels to avoid longer journeys around the entire continent of Africa. The Suez Canal is technically the property of the Egyptian government. However, the Suez Canal Company

---

<sup>1</sup> "Suez Canal." Encyclopædia Britannica.

is largely made up of European shareholders. This waterway is also in a prime position for naval strategies in times of war, which warranted the signing of the Constantinople Convention of 1888<sup>2</sup>, which dictated that the canal was a neutral zone that may be used by all nations without distinction in both times of war and times of peace.

The Suez Canal Zone is also in the middle of a highly tense region due to the history of British military occupation and religious tensions. Tensions skyrocketed following the Israeli Declaration of Independence, starting the first Arab-Israeli war.<sup>3</sup> The Arab states of Egypt, Transjordan, Iraq, Syria, and Lebanon all invaded the territory of Palestine and captured East Jerusalem, claiming to restore law and order following the British military withdrawal. The Arab states each entered separate armistice agreements with Israel following the first war.

Egypt underwent multiple changes in government once it obtained sovereignty, with British forces maintaining occupation following the annexing of Sudan. Egypt recently had a military coup that overthrew its 5000 year old monarchy in 1952. General Nasser took full control of Egypt in 1954 and was elected to president in 1956. During this time, the USSR and Egypt increased trade relations between the two nations, with Egypt providing cotton to the USSR and the USSR providing arms to Egypt. This deal was mirrored between Egypt and Czechoslovakia.

---

<sup>2</sup> "Constantinople Convention." SCA - Constantinople Convention.

<sup>3</sup> "Arab-Israeli Wars." Encyclopædia Britannica.

### *Legislation and Precedent in Question*

#### The Egyptian Nationalization Law of 1956<sup>4</sup>

- Egyptian President Gamal Abdel Nasser signed this law which nationalized the Suez Canal Company, forcing European shareholders to lose their stakes in the company. This law also accounted for the economic loss and promised appropriate compensation to the shareholders who were affected once all shares and properties were transferred to the Egyptian government. Nevertheless, the British and French governments remained outraged at their loss of control over the Suez Canal.

#### Constantinople Convention of October 1888<sup>5</sup>

- The Constantinople Convention of 1888 was an agreement between European powers that established the Suez Canal as a neutral zone where any vessel could pass through, regardless of nationality or intention. The only concession was that no acts of war could be committed in the canal by warships passing through, with restrictions on how many soldiers could disembark from a ship at a time to ensure that this rule was followed. It established free and equal usage of the canal for all countries party to this agreement. Egypt was not a part of the negotiations for this treaty and did not sign this treaty.

#### Anglo-Egyptian Agreement of October 1954<sup>6</sup>

- The Anglo-Egyptian Agreement of 1954 ended over seventy years of British occupation in the Suez Canal Zone and allowed for British contractors to remain

---

<sup>4</sup> Bennett, Gill. "What's the Context? 26 July 1956: Nasser Announces the Nationalisation of the Suez Canal." History of government, July 26, 2016.

<sup>5</sup> "Constantinople Convention." SCA - Constantinople Convention.

<sup>6</sup> "Anglo-Egyptian Agreement." Encyclopædia Britannica.

in the Zone for maintenance of installations and established that the British navy could still use the Canal for military operations in times of war. All British forces were retracted by June 1956.

#### UN Security Council Resolution 95 September 1951<sup>7</sup>

- This Security Council Resolution called for Egypt to cease interfering with Israeli commercial operations in the Suez Canal. It also condemned Egypt for these belligerent actions since Egypt and Israel had been in an armistice for two and a half years at the time. This resolution mandated that Egypt was not allowed to restrict free passage through the canal and could not interfere with maritime trade by other nations.

#### Israeli-Egyptian General Armistice Agreement of February 1949<sup>8</sup>

- This agreement established that the temporary truce would become a permanent peace in Palestine between Israel and Egypt. Both countries threatened to withdraw from peace talks multiple times. The United States mediated these talks and intervened to enable the peace talks go through and establish an armistice.

#### ICJ Judgement of Corfu Channel Dispute<sup>9</sup>

- The Corfu Channel case was the first case heard by the International Court of Justice and established that every state is obligated to not knowingly allow its territory to be used to commit acts against the rights of another state. This case was brought by Britain against Albania due to mines being triggered by British vessels in Albanian waters, resulting in severe damage to British warships and

<sup>7</sup> “UNSCR Search Engine for the United Nations Security Council Resolutions.” UNSCR.

<sup>8</sup> “Israel War of Independence: Israel-Egypt Armistice Agreement.” Israel-Egypt Armistice Agreement (1949). <https://www.jewishvirtuallibrary.org/israel-egypt-armistice-agreement-1949>.

<sup>9</sup> “Latest Developments: Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania): International Court of Justice.” Latest developments | Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania) | International Court of Justice.

multiple deaths of crew members. The Court decided that Albania was responsible for these damages and mandated that Albania pay Britain 844,000 euros for reparation.

### *Facts of the Case*

1. June 13, 1956: Britain withdraws all troops from Suez Canal Zone, ending 72 years of occupation.
2. June 23, 1956: General Gamal Abdel Nasser is elected president of Egypt.
3. July 26, 1956: President Nasser announces a plan to nationalize the Suez Canal.
4. July 28, 1956: Britain freezes Egyptian assets.
5. July 30, 1956: British Prime Minister Anthony Eden imposes an arms embargo on Egypt, and informs President Nasser that Egypt can not have the Suez Canal.
6. August 1, 1956: Britain, France, and the US hold talks on escalating the Suez crisis.
7. August 2, 1956: Britain mobilizes armed forces.
8. August 21, 1956: Egypt says it will negotiate on Suez ownership if Britain pulls out of the Middle East.
9. August 23, 1956: USSR announces it will send troops if Egypt is attacked.
10. August 26, 1956: President Nasser agrees to a five nation conference on the Suez Canal.
11. August 28, 1956: Two British envoys are expelled from Egypt accused of spying.
12. September 5, 1956: Israel condemns Egypt over Suez crisis.
13. September 9, 1956: Conference talks collapse when General Nasser refuses to allow international control of the Suez Canal.

14. September 12, 1956: US, Britain, and France announce their intention to impose a Canal Users Association on the management of the canal.
15. September 14, 1956: Egypt has full control of the Suez Canal.
16. September 15, 1956: Soviet ships arrive to help Egypt run the canal.
17. October 1, 1956: A 15 nation Suez Canal Users Association is officially formed.
18. October 7, 1956: Israeli foreign minister Golda Meir says the UN failure to resolve the Suez Crisis means they must take military action.
19. October 13, 1956: Anglo-French proposal for the control of the Suez Canal is vetoed by the USSR during the UN session.
20. October 29, 1956: Israel invades the Sinai Peninsula.

### *Questions to Consider*

1. Does the Egyptian nationalization of the Suez Canal break international law?  
What is the international impact behind the nationalization of the Canal? Does this greatly burden other nations' economies?
2. Are Britain, France, and Israel justified in taking military action in response to the nationalization of the Suez Canal? Why is this not an appropriate response?  
How can the United Nations take steps to rectify this issue?
3. What is the military significance of the Suez Canal? Could Egypt have ulterior motives in nationalizing the canal and rejecting outside influence of its control?
4. Should Egypt maintain control over the canal given its history of interfering with Israeli trade through the canal? What are the other options?

## Research Sources

### Legal Aspects of Suez Crisis:

- [https://www-jstor-org.libdata.lib.ua.edu/stable/40392975?seq=11#metadata\\_info\\_tab\\_contents](https://www-jstor-org.libdata.lib.ua.edu/stable/40392975?seq=11#metadata_info_tab_contents)
- [Corfu Channel \(United Kingdom of Great Britain and Northern Ireland v. Albania\) | International Court of Justice](#)
- [UN Security Council Resolution 95 \(September 1951\)](#)
- [Decree of Gamal Abdel Nasser on the nationalisation of the Suez Canal Company \(Cairo, 26 July 1956\)](#)
- [Convention respecting the Free Navigation of the Suez Maritime Canal \(Constantinople, October 29, 1888\) - CVCE Website](#)

### Egyptian-Israeli Armistice Agreement:

- [https://peacemaker.un.org/sites/peacemaker.un.org/files/EG%20IL\\_490224\\_Egyptian-Israeli%20General%20Armistice%20Agreement.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/EG%20IL_490224_Egyptian-Israeli%20General%20Armistice%20Agreement.pdf)
- [Anglo-Egyptian Agreement | British-Egyptian history \[1954\] | Britannica](#)

## Case 2: Belgium vs Senegal

### *Summary*

Belgium has submitted this case against Senegal for Senegal's failure to punish war criminal and Senegal inhabitant Hissène Habré. Hissène Habré is a former president of the Republic of Chad, and his government was responsible for numerous human rights violations. The basis for Belgium's suit is the UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (UNCAT). Belgium began investigating this situation in 2000, when a number of Chadian-born Belgians filed complaints against Senegal. After a Belgian international arrest warrant and extradition request went unfulfilled, Belgium brought the case to the European Parliament, and now to the ICJ.

### *Historical Context*

#### Habré

After taking power in 1982, Hissène Habré waged an 8 year campaign of human rights violations as the dictatorial president of Chad.<sup>10</sup> After his government's collapse in 1990, Habré fled to Senegal and resided in the capital city of Dakar as a political asylee for more than two decades.

#### UNCAT

The UNCAT was passed in 1984 and began to be enforced in 1987. It replaced the UN's previous legislation regarding torture, The Declaration on the Protection of All

---

<sup>10</sup> "Hissene Habre", Trial International, accessed November 2022, <https://trialinternational.org/latest-post/hissene-habre/>

Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or “Torture Declaration”, which had been adopted in 1975.<sup>11</sup>

One of the primary reasons for the replacement of the Torture Declaration was that it failed to precisely define torture. The UNCAT rectified this, specifically defining torture as the intentional inflicting of pain as means of interrogation, punishment, intimidation, or discrimination.

The UNCAT bans torture, as well as the forced movement of persons into states in which they are in danger of being tortured.

Most important to the Belgium-Senegal Case are UNCAT articles 6 and 7. Article 6 requires that a state containing an individual guilty of torture conduct an investigation into them. Article 7 of the UNCAT obliges parties to prosecute individuals found to be guilty of torture, or extradite them to a state in which they will be prosecuted.

Both Belgium and Senegal are parties to the UNCAT, with Senegal having ratified it in 1986 and Belgium in 1999.

### *Legislation in Question*

Relevant Articles of UNCAT:

- Article 5.2 of the UNCAT requires that parties take measures to establish jurisdiction over torture offences if the offenders are present within their borders.
- Article 6.2 of the UNCAT requires that parties investigate individuals suspected of torture.

---

<sup>11</sup> “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”, Hans Danelius, accessed November 2022, <https://legal.un.org/avl/ha/catcidtp/catcidtp.html>

- Article 7.2 of the UNCAT requires that parties are required to either prosecute those guilty of torture, or extradite them to a state in which they will be prosecuted.

#### Belgian Universal Jurisdiction:

- The Act of 16 June 1993 granted Belgian courts the capability to hear cases brought against those accused of war crimes, regardless of where said crimes took place.
- The act's definition of war crime was transposed directly from the Geneva conventions.
- A 1999 amendment to the act expanded its scale to additionally include jurisdiction over other human rights violations.<sup>12</sup>
- Although the act was later heavily reduced in scope in 2003, it served to begin international proceedings against Habré.

#### Dakar Court of Appeals Rules Incompetence

- After the international arrest warrant and extradition request were made by Belgium to Senegal, the Dakar Court of Appeals ruled that Senegalese courts were incompetent to try Habré.<sup>13</sup>
- According to the Court of Appeals, the Senegalese Criminal Procedure Code did not allow for the prosecution of foreigners whose crimes were committed as part of their governmental duties.

#### European Parliament Request

---

<sup>12</sup> "Belgium: Act of 1999 Concerning the Punishment of Grave Breaches of International Humanitarian Law", accessed November 2022, <https://www.refworld.org/docid/3ae6b5934.html>

<sup>13</sup> "No Decision on Extradition of Ex-Chad Dictator", Human Rights Watch, accessed November 2022, <https://www.hrw.org/news/2005/11/26/no-decision-extradition-ex-chad-dictator>

- On 16 March 2006, the European Parliament adopted a text urging African states to expand their justice systems, and particularly requested that Senegal try Habré or extradite him to Belgium or an African alternative. This text specifically cited the UNCAT as the basis for this extradition request.<sup>14</sup>

#### Senegalese Constitutional Amendment

- On 8 April 2008, the Senegalese Constitution was amended to allow for the prosecution of war criminals even in cases where their crimes were committed more than 10 years in the past.<sup>15</sup>
- This allowed for the prosecution of Habré, although the courts did not prosecute the case even after the amendment was passed.

#### *Facts of the Case*

1. Hissène Habré served as the President of the Republic of Chad between the years 1982 and 1990. During this time, the Chadian government undertook a campaign of human rights violations, including ethnic genocides and torture.
2. On 3 December 1990, Habré was deposed in a coup by the Patriotic Salvation Movement, a rebel group. After his deposition, Habré fled to the nation of Senegal and was granted political asylum.
3. On 29 December 1990, Chadian President and former Patriotic Salvation Movement General Idriss Déby formed the Commission of Inquiry into the

---

<sup>14</sup> “Impunity in Africa and in particular the case of Hissène Habré”, European Parliament, accessed November 2022,

[https://www.europarl.europa.eu/doceo/document/TA-6-2006-03-16\\_EN.html#sdocta9](https://www.europarl.europa.eu/doceo/document/TA-6-2006-03-16_EN.html#sdocta9)

<sup>15</sup> “Senegal: Government Amends Constitution to Pave Way for Hissène Habré Trial”, Human Rights Watch, accessed November 2022,

<https://www.hrw.org/news/2008/07/23/senegal-government-amends-constitution-pave-way-hissene-h-abre-trial>

Crimes and Misappropriations Committed by Ex-President Habré, His Accomplices and/or Accessories. On 7 May 1992, the Committee published its findings in full, as well as a list of recommended actions for Déby's government; this list included the recommendation that former President Habré be legally prosecuted.<sup>16</sup> Citing a lack of resources, the Chadian government did not undertake the recommended actions.<sup>17</sup>

4. In 1993, Belgium established a law of Universal Jurisdiction, granting their courts the authority to hear cases brought against war criminals, regardless of where the crimes took place.
5. On 30 November 2000, a Chad-born Belgian citizen filed a complaint against Habré with an investigative judge. Over the next year, the number of these complaints would rise to over 20.
6. In 2001, the Committee of the United Nations Against Torture enjoined Senegal to prevent Habré from leaving the nation other than by extradition, which Senegalese President Abdoulaye Wade accepted.
7. On 19 September 2005, Belgium issued an international arrest warrant against Habré. This warrant named Habré as the perpetrator of violations of international humanitarian law, torture, genocide, crimes against humanity, and war crimes.<sup>18</sup>
8. On 25 November 2005, the Court of Appeals of Dakar in Senegal ruled that it was incompetent to try a foreign former head of state, and refused to enforce the

---

<sup>16</sup> "Report of the Commission",

<https://www.usip.org/sites/default/files/file/resources/collections/commissions/Chad-Report.pdf>

<sup>17</sup> "Truth Commission: Chad", United States Institute of Peace, accessed November 2022,

<https://www.usip.org/publications/1990/12/truth-commission-chad>

<sup>18</sup> "Belgium v. Senegal", International Crimes Database, accessed November 2022,

<https://www.internationalcrimesdatabase.org/Case/750>

Belgian arrest warrant. This reason had previously been used by the Court of Appeals to cancel proceedings against Habré that were begun in Senegalese courts.

9. On 16 March 2006, the European Parliament requested that Senegal try or extradite Habré. On 2 July 2006, the African Union made a similar request, which the Senegalese President accepted.
10. On 8 April 2008, the Senegalese constitution was amended to make a trial of Habré legal.
11. On 16 September 2008, a new complaint was filed against Habré by a group of his victims living in Senegal. However, the Senegalese government refused to move forward with a trial unless 27 million Euros were provided by the international community to pay for the costs of the proceedings.
12. On 19 February 2009, Belgium initiated proceedings in the International Court of Justice against Senegal, requesting the extradition of Hissène Habré. Belgium submitted that Senegal's failure to prosecute Habré constituted a violation of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### *Questions to Consider*

1. Given his status as a former Head of State of another country, does the Senegalese government have the jurisdiction to try Habré? If not, who does? Is it a case more suited to an international organization like the African Union or United Nations?

2. Should Senegal be expected to alter its legal system to comply with international law? How else can they abide by the UN laws that they ratified?
3. Are financial difficulties a legitimate reason for failing to comply with international law? If so, from where should necessary funds be provided? If not, how else can compliance be ensured?

### *Research Sources*

A timeline of the entire Habré case

- <https://www.hrw.org/news/2015/04/27/chronology-habre-case>

The official ICJ article on the background and outcome of the Habré case.

- <https://www.icj-cij.org/en/case/144>

## Character Dossier

1. **Justice Benicio Fontes** - Fontes is a judge from Brazil, known to advocate for indigenous and women's rights. He pursues harsh punishments for humanitarian crimes.
2. **Justice Li Na** - Li is a judge from China that has focused on outer space law, human rights, nuclear safety, and maritime law in her career.
3. **Justice Karl Weber** - Weber is a judge from Germany whose career has primarily focused on military law and on the interpretation of international treaties.
4. **Justice Sato Asahi** - Asahi is a judge from Japan who has served on multiple human rights committees and been a panelist for the World Trade Organization. Much of his work has focused on supply line management.
5. **Justice Patricia Lipton** - Lipton is a judge from Jamaica whose primary work has been in combating neocolonialism and working towards securing better development for post colonial nations.
6. **Justice Ibrahim Haddad** - Haddad is a judge from Lebanon whose career has been highlighted by work in multinational corporations and facilitating trade agreements between nations.
7. **Justice Riya Patel** - Patel is a judge from India whose work has been focused in securing global women's suffrage and combatting FGM and crimes against women.

8. **Justice Ramon Lopez** - Lopez is a judge from Mexico whose work has been focused primarily in international criminal law, extradition treaties, and rights to prosecute foreign nationals.
9. **Justice Isabel Fernandez**- Fernandez is a judge from Spain whose work has focused on countering terrorist organizations and promoting better international security cooperation.
10. **Justice Richard Newman** -Newman is a judge from the United Kingdom whose work has been focused on the betterment of refugee rights and, more broadly, human rights.
11. **Justice Karen Donahue** - Donahue is a judge from the United States whose work has primarily focused on facilitating trade agreements and the execution of maritime law.
12. **Justice Piotr Khrushchev** - Khrushchev is a judge from Slovakia whose work has focused on national security operations and maintaining sovereignty for postcolonial nations.
13. **Justice Francisco Madera** - Madera is a judge from Argentina whose work has focused on indigenous rights and human rights groups.
14. **Justice Vladimir Gusev** - Gusev is a judge from Russia whose work has focused on food security and supply lines through trade agreements.
15. **Justice Moon Ji Hye** - Moon is a judge from South Korea focused on military law and nuclear weapons and international security.

## Bibliography

“Anglo-Egyptian Agreement.” Encyclopædia Britannica. Encyclopædia Britannica, inc.

Accessed November 28, 2022.

<https://www.britannica.com/topic/Anglo-Egyptian-Agreement>.

“Arab-Israeli Wars.” Encyclopædia Britannica. Encyclopædia Britannica, inc. Accessed

November 30, 2022. <https://www.britannica.com/event/Arab-Israeli-wars>.

“Belgium: Act of 1999 Concerning the Punishment of Grave Breaches of International Humanitarian Law.” accessed November 2022,

<https://www.refworld.org/docid/3ae6b5934.html>

“Belgium v. Senegal.” International Crimes Database, accessed November 2022,

<https://www.internationalcrimesdatabase.org/Case/750>

Bennett, Gill. “What's the Context? 26 July 1956: Nasser Announces the Nationalisation of the Suez Canal.” History of government, July 26, 2016.

<https://history.blog.gov.uk/2016/07/26/whats-the-context-26-july-1956-nasser-announces-the-nationalisation-of-the-suez-canal/>.

“Chad: Report of the Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habré, his Accomplices and/or Accessories.”

Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habré, His Accomplices and/or Accessories, May 7, 1992.

<https://www.usip.org/sites/default/files/file/resources/collections/commissions/Chad-Report.pdf>

“Chronology of the Habré Case.” Human Rights Watch, October 28, 2020.

<https://www.hrw.org/news/2015/04/27/chronology-habre-case>.

“Constantinople Convention.” SCA - Constantinople Convention. Accessed November 28, 2022.

<https://www.suezcanal.gov.eg/English/About/CanalTreatiesAndDecrees/Pages/ConstantinopleConvention.aspx>.

“Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.” Hans Danelius, accessed November 2022,

<https://legal.un.org/avl/ha/catcidtp/catcidtp.html>

“Hissene Habre.” TRIAL International, July 27, 2020.

<https://trialinternational.org/latest-post/hissene-habre/>.

“Impunity in Africa and in particular the case of Hissène Habré.” European Parliament, accessed November 2022,

[https://www.europarl.europa.eu/doceo/document/TA-6-2006-03-16\\_EN.html#sdocta9](https://www.europarl.europa.eu/doceo/document/TA-6-2006-03-16_EN.html#sdocta9).

“Israel War of Independence: Israel-Egypt Armistice Agreement.” Israel-Egypt

Armistice Agreement (1949). Accessed November 30, 2022.

<https://www.jewishvirtuallibrary.org/israel-egypt-armistice-agreement-1949>.

“Latest Developments: Corfu Channel (United Kingdom of Great Britain and Northern

Ireland v. Albania): International Court of Justice.” Latest developments | Corfu

Channel (United Kingdom of Great Britain and Northern Ireland v. Albania) |

International Court of Justice. Accessed November 28, 2022.

<https://www.icj-cij.org/en/case/1>.

“Latest Developments: Questions Relating to the Obligation to Prosecute or Extradite

(Belgium v. Senegal): International Court of Justice.” Latest developments |

Questions relating to the Obligation to Prosecute or Extradite (Belgium v.

Senegal) | International Court of Justice. Accessed November 28, 2022.

<https://www.icj-cij.org/en/case/144>.

“No Decision on Extradition of Ex-Chad Dictator.” Human Rights Watch, October 28,

2020.

<https://www.hrw.org/news/2005/11/26/no-decision-extradition-ex-chad-dictator>.

“Senegal: Government Amends Constitution to Pave Way for Hissène Habré Trial.”

Human Rights Watch, accessed November 2022,

<https://www.hrw.org/news/2008/07/23/senegal-government-amends-constitution-pave-way-hissene-habre-trial>

“Suez Canal.” Encyclopædia Britannica. Encyclopædia Britannica, inc. Accessed

November 30, 2022. <https://www.britannica.com/topic/Suez-Canal>.

“Truth Commission: Chad.” United States Institute of Peace, accessed November 2022,

<https://www.usip.org/publications/1990/12/truth-commission-chad>

“UNSCR Search Engine for the United Nations Security Council Resolutions.” UNSCR.

Accessed November 28, 2022. <http://unscr.com/en/resolutions/95>.