



# INTERNATIONAL COURT OF JUSTICE

## **BACKGROUND**

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ICJ



## Introduction

### “The Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v.s Myanmar)”

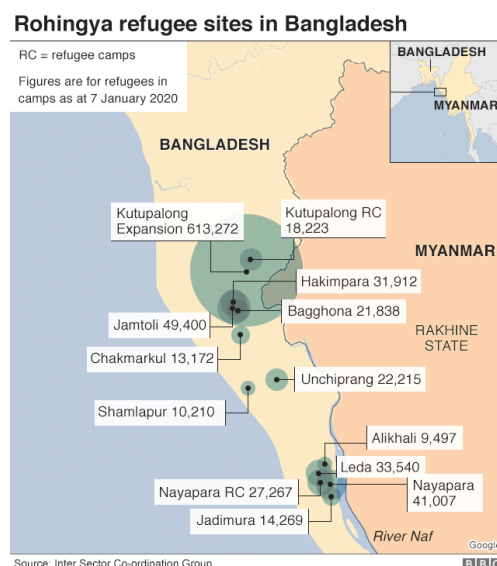
Greetings, fellow delegates. First, the Chair would like to thank the trust placed in the committee, and to welcome you to the 15th edition of the Model of the United Nations Instituto Oriente, MUNIO 2024. Having taken into account the responsibilities that ruling the court entails, the Chair believes that every delegate will give their biggest effort and invites them to provide justice, regardless of the party that the delegate stands for.

The International Court of Justice (ICJ) is an international organism that is in charge of two judicial principal matters, the first, the disputes between two nations that are recognized by the UN, the second, to answer legal questions made by the General Assembly (GA) or another UN organ or agency.

What gathers both Chair and delegates today on the Court will be the: “Application of the Convention for the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)”.

The matter in question involves the Rohingya community, that has been exiled throughout the years from the Republic of the Union of Myanmar (hereinafter: Myanmar); a place where they are native from, but that does not share cultural and religious ties with the refugee community.

These communities, after being expelled from Myanmar are forced to emigrate to the nearest border, the People’s Republic of Bangladesh, where the world’s biggest refugee camp is located (the Cox’s Bazar, in Kutupalong). This location in particular, is completely monitored by the bengali authorities that have not committed any action against the rohingya armed groups inside the camps. They practice most aspects of muslim traditions, another controversial point with the myanmarese population, which is in its majority buddhist.



The Chair considers that the Court is the first step in calming political tensions between two or more parties that are involved in a controversy. Nevertheless, having understood the Gambia’s desire to pay respect to

the Rohingyas' lives without any other purpose than the established on the 1st chapter and article on the UN Charter: *"to take effective collective measures for the prevention and removal of threats to the peace"*; it is important not to ignore the controversy.

Bearing in mind the multiple humanitarian crisis, involving forced migration, the Chair looked for a case that was not enough spoken as the migratory crisis on Centroamerica, or the refugee crisis on the Syrian Arab Republic, but on the contrary avoided because of the difficulties of researching information and the irrelevance of international media.

However, the Chair decided that the topic in matter must not be commercial, but helpful for delegates to move their vision out of their knowledge zone, and with the purpose of reaching a solution in which must benefit the Rohingya people before the parties interests.

As president, secretary, and moderator, we, as Chair, would like to improve your research abilities, and suggest to extract information from other sources, apart from those contained in the background.

### History of the committee

The arbitration between two or more states was taken as necessary since one of the first Treaties of Amity, between the United States of America and Great Britain in 1794. The Treaty established the basics for following arbitration documents between states, such as the "efforts to construct a general law of arbitration", and the "proposals for the creation of a permanent international arbitral tribunal".

Later, the First and Second Permanent Court of Arbitration (1899-1919) were founded with the purpose of enabling the arbitration between states, and established its headquarters at The Hague, Netherlands, where the Court still remains. As a successor, the Permanent International Court of Justice was created, with the particular mission to resolve any border legal questions between two states. This objective turned into what is known as Contentious Cases.

The UN was founded in order to maintain international peace and security, develop friendly relations among nations, and promote social progress. The San Francisco UN Conference on International Organisation on June 26th 1945 was an important step in the UN's history, because it is the date that the UN Charter was signed. On October 24th the UN Charter was published and entered into force. The Charter also contained the Statute of the Court, changing the Court's

name from Permanent International Court of Justice to the ICJ, and maintaining it as a principal UN organ.

The ICJ is one of the principal UN organs that is not administered by the GA, but by its own “Registrar”, who provides to judges and advocates the necessary tools for reaching the clearest resolutions based on the Court Statutes. Nevertheless, the president must submit statements to the GA and Security Council (SC) on the annual functioning of the Court. Besides, the Court does not work by one session every year, as the GA or other subordinate committees, but in the order that Court’s president considers necessary, and taking into account the time it takes for both parties to collect permissions and evidence for presenting on the Court.

Nowadays the ICJ, as an international court, has a team of 15 judges around the world that are elected every 9 years in the GA headquarters in New York, and with a president and vice-president elected by judges every third year. As it is established on the Court Statute, if a party has not a country representative judge, it has the right to establish a Judge *ad hoc*, that exercises the same functions that the other 15 judges do.

The court requests for both parties a group of professionals and advocates that collects evidence on the case, presented on the Memorials of advocate. This evidence is presented on an established date, and the Court gives the time it determines convenient for the Preliminary Objections, in which a party answers or denies the evidence presented by another party. In the ICJ, the existing parties must be only 2, the applicant party, that brings the case to the Court, against the respondent party, whose function in the Court is to answer, refute and state against the applicant party, with the same research process that will be used back and forward by the parties through the case.

## Long Term

### Historical reserve

The “Rohingya” designation is an ethnic modification for a word that refers to the **islamic person** that inhabited the Kingdom of Arakan, which was established on what is known today as the Rakhine state on Myanmar's southwestern territory.

The Kingdom of Arakan was one that was ever troubled, according to the article coming from the OHCHR, *Arakan (Rakhine State) a Land in Conflict on Myanmar’s Western Frontier* Dec. 2019. (P. 12), article that said: “The struggles for Rakhine State’s present are also struggles for Arakan’s

*past.* “nearly 2,000 years of civilisation and citystates have been documented within the territory.”

Later, during late 1780's to 1948, the Arakan Kingdom came to its end, and passed through four colonization processes.

During these two centuries under the government of other ethnic and religious groups, the rohingya population had different types of social relations with the authorities and the rakhine, birmanian, bengal and indian population they had to get along with; through the Konbaung Dynasty, the first 100,000 population fled to bengal lands, and were later abandoned on what remains until today as Cox's Bazar.

Having this into account, the british jurisdiction let the rohingyas keep their lands, their culture and language, what did not happen with the buddhist part of the Bengal and Burma (Myanmarian) population, who were deported to the eastern part of the British Raj, what today the most Myanmar land. In the course of the Second World Armed Conflict, the Japanese Empire occupied the British Raj, an action that the Burma people supported, and again, the rohingya society was abandoned. Finally, after Myanmar's Independence from the United Kingdom in 1948, since the detachment, Burma had only ruled on Myanmar.

### Ne Win's 1962 dictatorship

As Ne Win made a coup against the Myanmarian government, he had to gain popular support, and took a hated past known for its campaign, the rohingyas. With it, the rohingyas that emigrated during both armed conflicts were not allowed to return to the country, their lands were confiscated, and even the muslim names of rohingya people were transformed into buddhist names.



On Indian lands in 1971, another muslim group intersected from Buddhism, and the Islamic State of Pakistan was assembled. Nevertheless, some islamic population migrated during armed conflict to Myanmar, with their fellow muslim, rohingyas.

With this in mind, the 1982 Citizenship Law was enacted. In Myanmar the identified ethnic groups were settled as 135, all with buddhist roots, in which any islamic proceeding person was not recognized, becoming with the legislation, a stateless group, unless they could demonstrate their “rakhinity”, which refers to being attached to Rakhine roots.

### The crisis of 2012

In 2012, the military junta came to its end, and with it, the Rohingya faith in the recognition of their right for citizenship, and the armed forces capacity was reduced importantly.

Nonetheless, the disappointment for the Rohingya cause arrived with both 2012 violent outbreaks. Since then oftenly occurs violent clashes occur between both ethnicities. The initial reason, the report of the sexual intercourse to a buddhist woman, coming from three muslim persons. The news item upset Rakhine's buddhist population, and in response, they murdered ten muslim persons on board a bus.

As a result, both inhabitant populations of Rakhine, buddhists and muslims started with a sequence of violence that escalated onto the burn of entire villages, the forced disappearance of many, the extermination of entire townlets, the establishment of more armed forces on the region and the isolation of the entire Rakhine state, as well as the displacement of at least 90,000 persons, and an uncertain number of deaths.

### Political, Social and Economic consequences

Again, the OHCHR, "Arakan (Rakhine State) a Land in Conflict on Myanmar's Western Frontier" Dec. 2019. (P. 14) mentions that: *"the economy has notably declined. Rakhine State is today the second poorest of the 14 states and regions in the country."* *"Most of the population remains rural-based"*. The controversy has represented an important economic resource spent to international organizations, the Myanmar armed forces (Tatmadaw) as well as to the Rohingya receiving countries.

The Organisation for Islamic Cooperation (OIC) through the Gambia denounced the racial discrimination to the International Court of Justice on November 19th, which damaged the Myanmarian exterior relationships with every islamic member, as well as with UN members.

The worst part has been suffered by rakhine and rohingya populations, that, according to *Acción Contra el Hambre*, 863 000 rohingya persons are requiring humanitarian aid, on its majority they remain illiterate, with deplorable public health systems, and without the necessary identification cards to get out of the camps, or even from detention camps on Rakhine, were they remains since 2012.

### Rebel armed groups

- ***Rohingya Salvation Organisation (RSO)***: As a violent response to the 1982 Citizenship Law, the RSO was founded. It was one of the first rohingya rebel armed groups, it presumed its connections with the criminal organization Al-Qaeda, by the appearance of members, and financing purposes in both organizations. The group operates only on the Bengal rohingya refugee camps, and is hostile with other armed groups either Bengal and Burma armed forces or ARSA.
- ***Arakan Rohingya Salvation Army (ARSA)***: Since the violent attacks of 2012, the ARSA was created, by a group of enraged young men, with the purpose of being a security response to any action that they considered aggressive to their people. As the Myanmar authorities explained, they are guilty of the military response of 2017, when they initially attacked border police offices during 2016 October and November.

## Short Term

### *The 2016-2017 massive flee*

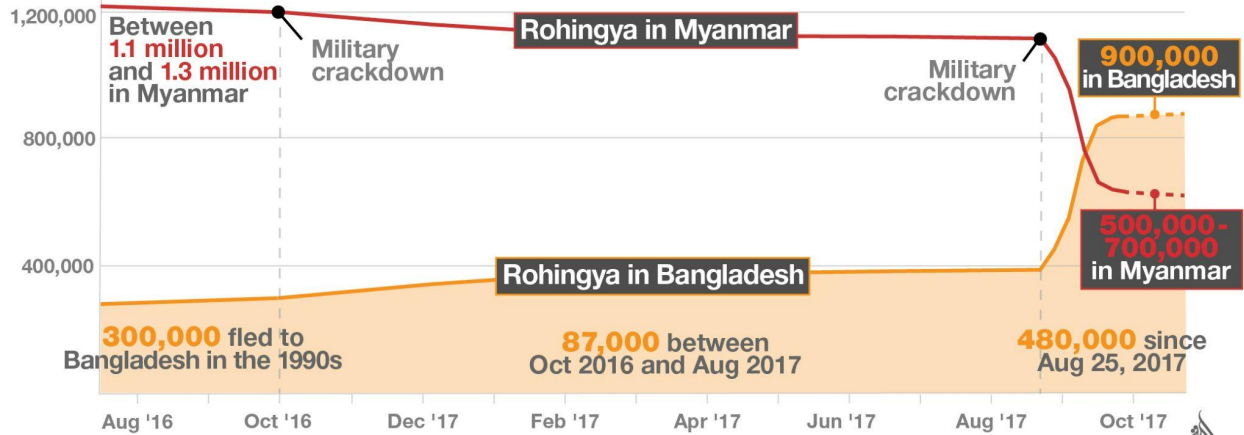
In regards to recent years, the situation has not done less than getting worse. As a response to the 2016's October and November border police attacks from part of the ARSA, the Myanmarian government pointed to the organization as criminalism, and with it, the massive emigration to Bangladesh in August 2017.

From 2016 to 2017, according to the United Nations, more than 700,000 Muslims, mostly women and children, were forced to flee to Bangladesh, increasing the number of persecuted people in Bangladesh, above 1.2 million. This situation was the result of alleged ethnic cleansing operations executed by the Myanmar military in Maungdaw, Buthidaung, and Rathedaung townships. On the other hand, in the same year 2017, 20 persons were found drowned, trying to flee, in the Bay of Bengal.



# How Myanmar expelled the majority of its Rohingya to Bangladesh

After the recent influx of a half-million Rohingya into Bangladesh, the country now hosts more Rohingya than Myanmar.



Source: IOM, Al Jazeera, agencies  
Photo: Showkat Shafi/Al Jazeera  
Last updated: Sept 28, 2017

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Also Bangladesh is prone to natural disasters, refugees in Cox's bazar have been exposed to floods, cyclones and landslides, which are likely to escalate in frequency and intensity over time.

## The last decade

The latest reports have declared that around 60% of the violence and security incidents since 2017 had taken place from 2022 until 20 April 2023, the situation is getting more alarming day by day. Even after the summons of the ICJ with its provisional measures, carried out in 2019, the aggressions that have been reported have not stopped and have drastically increased.

Defying the odds, for the new scholar year UNICEF has achieved access to education for boys, girls and teenagers under the Myanmar curriculum, with the objective that, if they manage to return, they do not lose opportunities. The reports are encouraging because half of the one million of refugees are children that have lived in densely populated camps in Bangladesh since 2017 when they fled.

Nearly 30,000 registered Rohingya refugees have been relocated and are living in houses in Bhasan Char, an island off the Bangladeshi coast.

## The life as rohingya

The Rohingya people are exposed to general and physical insecurity, child-related protection concerns, gender-based violence and, as the

article *Bangladesh: Rising violence, insecurity, and protection concerns in Cox's Bazar refugee camps*. (s/f), tells:

*"funding cuts that drive concerns over food insecurity, making the situation for the Rohingya refugees dire. This has led many refugees to undertake dangerous maritime journeys to reach Malaysia or Indonesia."*

According to the UNHCR, the life is not easy to carry, because a mixture of both the stateless and illiterate situations, that are not helpful when it is time of, as an example, school for women, that on its majority, the islamic traditions does not support, and instead they prefer to sentence them to "house arrest", for its security they say.

The continuous coming and going from diverse worldwide human organizations do not help either to the hygienic situation, that of course is not totally regulated, because of the lack of resources that mostly depend on the food donations and organizations on each camp. That also condemns the populations, until this point it must remember that most of them lived off agricultural activities, and do not owe a Bengal citizenship either, with working purposes.

### *The international legal process*

The case arrived to court through the Gambia on November the 19th 2019, with the support of every OIC member, that wanted to denounce alleged violations to the Convention for the Prevention and Punishment of the Crime of Genocide, as well as alleged ethnic discrimination, with the purpose of the establishment of provisional measures as soon as possible on the region. The desired provisional measures arrived only two months later, on January 20th 2020.

As the Statute of the Court allows the objection against any statement, testimony or accusation that a party may do to its counterparty; the Myanmar had launch its own version of objections against the provisional measures established by the court, exactly a year after, on January 20th 2021, an example of a strong objection is the 40th paragraph that dictates: *"Myanmar accordingly submits that in the present case, because the real applicant is the OIC, an international organization, the Court lacks jurisdiction"*.

All orders considered, a special judgment in order to discuss the previous Myanmar's objections arrived on July 22nd 2022, in which the Myanmar retired the previous preliminary objections, and instead asked

for the right to a Counter-Memorial, another juridic document that allows to the respondent party to present the case through an agency that the country authorities allow to.

Finally, on April 6th and May 12th 2023, Myanmar requested the ICJ to extend the time limit twice for the compilation and final presentation to the court, that completely depends on the parties for its presentations and its due review and final judgment.

### United Nations' Actions

The term “ethnic cleansing” has been associated with the worst actions against the humanity, the UN, through a SC Commission define it as:

“...a purposeful policy designed by one ethnic or religious group, to remove by violent or terror-inspiring means the civilian population of another ethnic or religious group from a certain geographic area.” *UN, (27/05/1994), “S/1994/674” (paragraph 130).*

The UN was reported of the human rights situation, with the term ethnic cleansing, firstly on 1992, during an exchange of letters between permanent ambassadors in certain countries, like Bangladesh's , and the Secretary General, when they sent its requests for support on the situation, that later would be forwarded to the Security Council for its revision and the establishment of measures, that did not arrived because of the lack of tools, and are the main reason of the discardment of the problem from SC view.

Regrettably, neither this case nor any other concerning the UN, is allowed by itself to step over the national jurisprudence of a country, in this case, Myanmar; who anyways has not let any external criticism to their policies affect their disposition of, at any cost, get rid of the rohingya. This explains why the UN, the SC, the HRC and an endless list of other international and humanitarian organizations have only limited themselves to either recommend the Myanmar to reconsider to reform, or even withdraw to, the 1982 Citizenship Law; or to permit their organization to cooperate with the state, in order of repatriating small rohingya groups. But no matter how it is recommended, the Burma government has totally ignored the proposals.

UNICEF, in compliance with other humanitarian organizations, requested the Myanmarian government to access the Northern Rakhine region, where the situation was happening several times during the 2017 crisis. Even so, the nation limited the legal access to its territory, and the only way to support the fleeing communities was on the Bengal border, when they arrived at Kutupalong. They also have informed recently

about the lack of water for hygienic purposes, especially focused on the fight against unsanitary practices, in which at least 16 million water liters are necessary, as well as the strategic construction and placement of more than 50000 latrines. This would not be possible without the aid provided by the cooperation between the Bengal Social Services Department and the UNICEF; in general, the islamic country have made its biggest efforts to maintain a situation from which it is not a direct causative, but it assumes most of the consequences, economically and socially speaking only.



The amount of rohingyas in refugee camps established on Bangladesh, and in a very less quantity in other nearby nations in solidarity with the refugees, ascends to almost 1.5 million persons, of which only 82 000 have a legal protection, obtained through UNHCR Refugee Status Determination (RSD).

The most part of feeding to the displaced populations is dependent the most on the cooperation of many organizations with non profit, such as the UNHCR and the Bengal Red Crescent, which is not enough for everybody, and the clashes begin. Furthermore, the food is principally reported between who presents the worst fitness, that in most cases are malnourished children.

### ICJ's Contributions

With the arbitration of Gambia to the ICJ, referring to the situation lived by rohingya, focused on Myanmar, the UN have requested to this country through its most important juridic organ, national measure implementations, that were provided by Gambia in the Hague and later accepted and incorporated to the Order of 23 January 2023, where it is established the relevance of the measures, as well as its effectiveness.

With it, arrived also the instructions for Myanmar's measures, dictating:

1. The conservation of evidence of the alleged violence against the group, by Myanmar, that subsequently will be presented to the court, during an oral examination;
2. To provide semi-annually informs about the progression on the measures, until the case is finally closed;

3. Under the Article II of the Convention for Prevention and Punishment of the Crime of Genocide, summarized: the homicide against members of the group; causing serious body and mental harms to lives; deliberately inflicting on the conditions of life; and imposing measures intended to prevent births within the group. It is Myanmar's obligation to ensure the avoidance of these acts, indistinctly between the government and its armed forces or any irregular armed group on their territory.

Notwithstanding the urgency of the controversy because of the current refugee's calamity, the Court has procedures that, regrettably, are not able to be accelerated. However, the Myanmar has managed to slow even more the process, by requesting not once, not twice, but even in four occasions to the Court to extend the time limits for the presentation of its Counter-Memorial, a document which only purpose is to defend themselves, as well as to stand for a different matter of facts that benefit their party interests. With this in mind, the allow of further delays on the display of jurisdictional documents, will only affect both the follow-up of the case and the joint resolutions with Myanmar, for quite disinterested actions concerning the jurisdictional process against them.

The ICJ has asked both parties to stand for the rohingya population's human rights, that, without doubt and exception have been violated against constantly; and asks for cooperation before, during and after the settlement of the final measures, to which begs to obey, mattering the most the current human lives that are still endangered, stateless and victims of the poverty of the regions that they are allowed to occupy.

### Controversy Points

#### Why is the topic controversial?

The region of Cox's Bazar is distinguished for its weak infrastructure, most of the houses are built of bamboo and plastic, making this a problem since during all the summer the torrential rainy season, named monsoons, threaten the stability of the households, damaged crop fields and the health of the habitants.

The arrival of the rohingya has also brought a problem: births. As of late, some babies have been born in the Cox's bazar region, the conditions are unhealthy in the shacks making this a risk for the mothers and the babies. In addition to this, and even though the government of Bangladesh has been generous, the nationality for these babies has not been given.

The government of Bangladesh does not recognize the status of the rohingya as refugees, instead they are temporarily displaced. In addition to this, this status has limited the conditions in the region, it is not allowed to build permanent structures to live in. Furthermore, it is unknown how long they are going to continue living under these conditions.

For the inhabitants all across the Bengal state of Chittagong the displacement of the rohingya has also brought a problem, deforestation. To install them, a great deforestation in the mountains was produced, which has eliminated, in a large degree, the natural protection for the "monsoons".

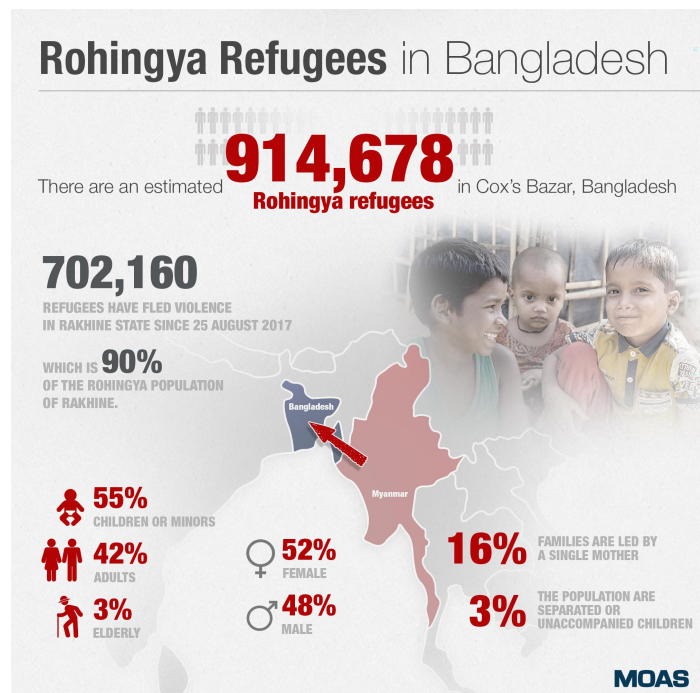
Of particular note, the risk for the children stills being high, and a lot of families have taken the decision to opt for the premature engagement to protect their daughters. In addition to this, 263,045 kids under the age of 5 years old were examined, the diagnosis was 8,251 cases of severe acute malnutrition that received treatment.

The towns where the Rohingya used to live, are becoming armed forces bases, security infrastructures, roads and "model towns" for other religious and ethnic communities, making this a depuration of evidence of the crimes committed against the human.

### *The position of the involved. In favor or against?*

- The Applicant party (Republic of Gambia)

The Gambia, had come to Court to hand out a legal process against Myanmar for alleged crimes against the humanity, particularly, genocide. The Gambia, taking into account its islamic links to rohingyas, have denounced mostly every single testification, filled every document and presented to the Jury each moment they had to. Their proposals



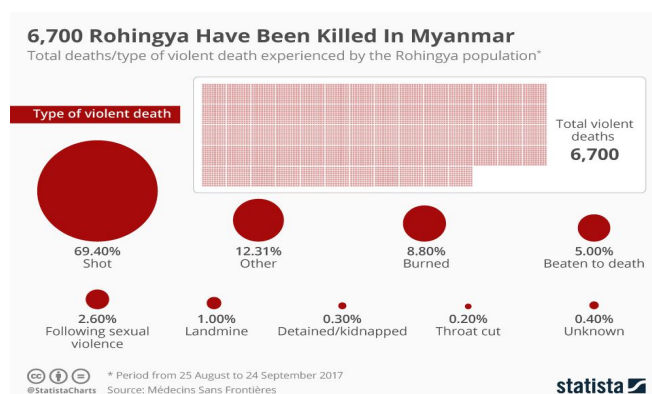
are very clear on their objectives: to avoid the suffering of any human population denominated as rohingya.

- The Respondent party (Republic of the Union of Myanmar)

Myanmar has its own valid justifications for the actions committed by their armed forces or their government for ensuring the joint interests for the success of their country. The violence outbreaks had shocked the country for more than a decade, that they were to mark certain part of rohingya populations as criminal groups, taking into account their objectives against their country's integrity, as well as all the disturbance presented within the Burma country.

### Why is there a debate?

A systematic population eradication has been executed by the armed forces of Myanmar, this government has also, on most of the occasions,



evaded appointments to discuss this problem. Moreover, cases of sexual violence, precarious conditions, multiple homicides, abuse of authority, forced displacements and threats have been reported, nevertheless they have been ignored.

Trafficking and gender-based violence targeting women and children are a daily risk, without a legal status it is impossible to provide juridical justice for those who need it.

Dangerous extremist groups like Jihad are a constant anguish, these groups are protagonists in many of the world's deadliest crises, making its eradication a complex and hard problem to solve. They operate in conflictive zones and other places where they recruit fighters or perpetuate criminal attacks. The Rohingya population is prone to be involved or threatened with these groups, since the group has presence in the country, also with the lack of education it is easy to recruit young men and children.

The Government of Bangladesh has started diplomatic lobbying to solve the crisis. Nonetheless, the country needs more energetic diplomacy with the regional partners to solve this problem.

## Objectives

Along all the document, the establishment of a solution that supports the most displaced, discriminated, and stateless population, rather than both parties, has been noticeable. As the delegates must also know, no UN organization is permitted to get over the national jurisprudence, unless the country is in accord with it.

Having this on mind, the Chair requests the delegates to discuss, and further purpose possible solutions for:

- The remaining status as stateless of the Rohingya and muslim communities all along Myanmar; taking into account their ethnic and cultural roots.
- The security in and outside the refugee camps in Bangladesh, that have been targeted by criminal organizations, principally of the same ethnic group.
- The human rights situation suffered by the Rohingya, who are not allowed to leave the camps, for the same reason displayed first.
- Their economic status, before the leave of the Rakhine State, principally in 2017, was based on agricultural work, which is not able to be done because of the lack of either citizenship or farmable land.
- The lack of resources from Bangladesh to the maintenance of the refugee camps, which are in deplorable and inhuman conditions, because of the shortage of resources coming from the UN organizations and Bangladesh, and the economic disassociation for the camps from Myanmar.
- The permanent life in the refugee camps. Bearing in mind, again, the status of stateless people of the Rohingya binds them to these refugee camps, where most of them are still waiting for an appointment for the assignment of Bengal citizenship. An alternative that is already developing is to create permanent residences outside of the camps, where they can start over.
- The *monsoons*, a weather phenomenon in southeastern Asia, that is devastating for the kind of construction of the camps, on its majority is a mixture of tents and wood, which of course, breaks down a very significant part of the camps every time.
- The deficiency of education for the young Rohingya communities is provided by some humanitarian organizations, but Bangladesh is in charge of covering the educational program, and they are not willing to focus on it.
- The providing of the same opportunities, despite the Muslim traditions that dictate the contrary, for both genders and the



populations in which the Rohingya are established, seeking that all of them are able to correctly satisfy their basic needs.

- Finally, to support the diplomatic relationships and the rising of the countries involved, by the advantage that the delegates can identify the migratory groups, as well as commercial and amity treaties, that can principally benefit the displaced ethnicity.

## Conclusion

The International Court of Justice has remarked and emphasized its compromise to find a solution for the Application of the Convention on the Prevention and Punishment of the Crime of Genocide. Of particular note, having summoned a trial to the nations involved, in order to solve the current state of the Rohingya population. Taking into account that since a long time ago, either with the 1982 Citizenship Law, or the 2017 crisis, this minority has gone through a very serious situation.

The Rohingya, in the region of Cox's Bazar are in a sensitive situation, since their current legal status is stateless, complicating the use of legal tools to provide them security and recognition of their rights. In addition to this, the region has also witnessed natural disasters that, combined with the lack of efficient infrastructure, have worsened the life conditions and health.

The People's Republic of Bangladesh has been a pillar in the attempt to enhance this situation, even though the nation does not count with enough resources, its intention to make a difference is recognized and admired. On the other hand, the nation has not shown initiative to keep the refugees in its territory for a long period and does not recognize the status of the Rohingya as refugees, instead, they are temporarily displaced.

The Model of the United Nations of the Instituto Oriente is a momentous event for students of the institution and for foreign students. Through this model, it is expected that each person develops skills that could help to enhance academically and personally. It is why we, as Chair, expect the best from each delegate, give the best performance, always try to overcome yourselves. The delegate must assume and perform the role in an exemplary manner. It is expected that each one of you is going to be able to learn, improve, propose, debate, and create a critical position; with the objective of finding the best solutions, seeking for development, progress, and peace. We, as Chair, hope your experience will be as memorable as ours, daring to do new things and enjoying the passion and dedication of this experience.

We, as a chair, are compromised to provide you with enough knowledge and tools. We, as Chair, hope that after reading this document, a feeling of compromise and duty has been generated for you. Delegates, thank you for choosing the ICJ, as well as for having the determination of being part of this model.

**"The justice of live is in your hands"**

**List of Members of the Court**

**The 13 Permanent Judges:**

1. Judge Patrick Lipton ROBINSON (Jamaica)
2. Judge Hilary CHARLESWORTH (The Commonwealth of Australia)
3. Judge Xue HANQIN (People's Republic of China)
4. Judge Ronny ABRAHAM (French Republic)
5. Judge Dalveer BHANDARI (Republic of India)
6. Judge IWASAWA Yuji (State of Japan)
7. Judge Georg NOLTE (Federal Republic of Germany)
8. Judge Mohammed BENNOUNA (Kingdom of Morocco)
9. Judge Patrick TOMKA (Slovak Republic)
10. Judge Leonardo Nemer Caldeira BRANT (Federative Republic of Brazil)
11. Judge Julia SEBUTINDE (Republic of Uganda)
12. Judge Nawaf SALAM (Republic of Lebanon)
13. Judge Abdulqawi Ahmed YUSUF (Federal Republic of Somalia)

**The invited judges**

14. Judge *ad hoc* Ms Navanethem Pillay (Republic of the Gambia)
15. Judge *ad hoc* Mr. Claus Kreß (Republic of the Union of Myanmar)

**The Advocates**

16. Advocate #1 of the applicant party (The Republic of Gambia)
17. Advocate #2 of the applicant party (The Republic of Gambia)
18. Advocate #3 of the applicant party (The Republic of Gambia)
  
19. Advocate #1 of the respondent party (The Republic of the Union of Myanmar)
20. Advocate #2 of the respondent party (The Republic of the Union of Myanmar)
21. Advocate #3 of the respondent party (The Republic of the Union of Myanmar)

## Judges

Their function is crucial for the operation of the Court; they are allowed to speak in first person, because of the fact that the delegate represents an only person, instead of a country. It is their responsibility as well to express their opinion about the topic on the Preliminary Opinion, to which the advocates have not access. The judges must also represent both the neutrality of the Court, applying questions and proposals following the debate, to both parties; as well as being representatives of the region they come from, being Africa, Latin America, Caribbean, Asia, Western and Eastern Europe, respectively.

In the same way, they must read the final dictation of the Court after the Judgment.

## Judges ad hoc

Their role is entirely the same as their fellow judges, they can be part of the voting processes, with only one difference, instead of representing an entire region, their work is to explain the judges in a more neutral way than the advocates of the interests of their country.

## Advocates

The advocate has three critical labors: to defend, but also counter-attack in a formal way to any argument that can be risky for the country they represent and its position in front of the Court, as well as the entire UN. To establish what they consider correct of its party and what they do not consider correct for the interests to goal, through their two personal documents: The Memorial or Counter-Memorial (depending the party) of the Advocate, in which are presented and explained to judges and the other party the affairs of who they represent. Subsequently, the Rebuttal and Su-rebuttal arrive, in which both parties refute mostly every point that they do not consider correct in the other paper.

Finally, during the writing of both working and resolution papers, it is important that the advocate, after the previous work, finds important proposals and establish them as the last will of their country, before the final settlement of the case.

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