

XXXI

TECMUN Jr.

International Criminal
Court

XXXI TECMUN Jr.
Session Schedule

Wednesday, November 15th

Registry	8:00 – 9:00 h.
Opening Ceremony	9:00 – 10:00 h.
Recess	10:00 – 10:30 h.
First Session	10:30 – 12:30 h.
Recess	12:30 – 13:00 h.
Second Session	13:00 – 15:00 h.
Meal	15:00 – 16:00 h.
Third Session	16:00 – 18:00 h.

Thursday, November 16th

Master Conference	8:30 – 9:30 h.
Recess	9:30 – 10:00 h.
Fourth Session	10:00 – 12:30 h.
Recess	12:30 – 13:00 h.
Fifth Session	13:00 – 15:00 h.
Meal	15:00 – 16:00 h.
Sixth Session	16:00 – 18:00 h.

Friday, November 17th

Seventh Session	8:00 – 9:30 h.
Recess	9:30 – 10:00 h.
Eighth Session	10:00 – 12:00 h.
Recess	12:00 – 12:30 h.
Ninth Session	12:30 – 14:40 h.
Meal	14:40 – 16:00 h.
Closing Ceremony	16:00 – 18:30 h.

XXXI TECMUN Jr
General Agenda

Secretary General: Santiago Gutiérrez Caycedo

COORDINACIÓN GENERAL

Chief of General Coordination: *Lía Naomi Mejía Vargas*
Coordinating Supervisor for Media Content: *Emiliano Avalos Hernández*

ASAMBLEA GENERAL

Subsecretary General: Monserrat Ríos Fernández
Coordinating Supervisor: Juliette Abby Orihuela Núñez

Sesión Plenaria de la Asamblea General

Presidente: Regina Covarrubias Rosales

- A) Medidas para regular la crisis humanitaria en la República de Haití, partiendo de los desplazamientos forzados ocasionados por la violencia por parte de grupos criminales.
- B) Estrategias para regular la crisis social en la República Islámica de Irán y contrarrestar el uso de pena de muerte como medio de represión, partiendo de las protestas antigubernamentales contra las leyes de moralidad de 2022.

Primera Comisión de Desarme y Seguridad Internacional

Presidente: Paulo Souto Núñez

- A) Estrategias para imposibilitar la posesión y desarrollo de armamento nuclear en la República Islámica de Irán garantizando la seguridad internacional.
- B) Estrategias para evitar el uso de armamento y fuerza hostil en el conflicto fronterizo entre la República de Armenia y la República de Azerbaiyán por el enclave del Alto Karabaj en el Cáucaso del sur.

Alto Comisionado de las Naciones Unidas para los Refugiados

Presidente: Arantza González de la Peña

- A) Acciones para reforzar la respuesta internacional con el fin de garantizar la seguridad y el acceso a servicios básicos de los refugiados provenientes del llamado Cuerno de África como consecuencia de la sequía y los conflictos internos en la República Democrática de Somalia.
- B) Medidas para proteger y asegurar el cumplimiento de los derechos humanos de las personas desplazadas internamente, solicitantes de asilo y refugiados como consecuencia de la crisis social en la República Democrática del Congo.

United Nations Entity for Gender Equality and the Empowerment of Women

President: Nuri Valentina Galindo Gutiérrez

- A) Measures to guarantee the economic empowerment of women in the Middle East with an emphasis on the Islamic Republic of Afghanistan after the ban of work for Afghan women and its consequences.
- B) Procedures to reinforce and protect reproductive rights for women in Africa as a consequence of the HIV and AIDS pandemic.

Programa de las Naciones Unidas para el Medio Ambiente

Presidente: Jorge Roel Rodríguez Alcantara

- A) Mecanismos para frenar la desertificación en el continente africano, con énfasis en la sequía y las prácticas agrícolas no sostenibles en la región del Sahel.
- B) Acciones para mitigar el impacto ambiental de la industria textil en países del sur de Asia, abordando la producción de moda rápida.

Histórica Organización de los Estados Americanos

Presidente: Abril Victoria Rodríguez Aguirre

- A) Medidas para conciliar la paz entre las Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP) y el gobierno de la República de Colombia con énfasis en salvaguardar los derechos humanos de los ciudadanos.
- B) Estrategias para frenar las hostilidades desencadenadas por el control de las islas Malvinas entre Reino Unido de Gran Bretaña e Irlanda del Norte y la República de Argentina con énfasis en proteger los derechos de soberanía y los intereses de los pobladores.

United Nations Office on Drugs and Crime

President: Valeria Arroyo Jerez

- A) Strategies to curb and counter migrant smuggling coordinated by criminal organizations, with emphasis on the South and Central America to North America route.
- B) Approaches to prevent and counter the spread of Xylazine and Fentanyl in North America with preeminence in Philadelphia's "Zombie zone".

CONSEJO ECONÓMICO Y SOCIAL

Subsecretary General: Catherine Romina Espinoza Mora

Coordinating Supervisor: Brenda Noreña Mejía

Comisión de Prevención del Delito y Justicia Penal

Presidente: Miranda Senties Carmona

- A) Estrategias para disminuir la actividad del crimen organizado transnacional en la Triple Frontera, entre la República del Paraguay, la República Argentina y la República Federativa de Brasil debido al problema del control territorial ocasionado por la insuficiencia en el imperio de la ley y corrupción.
- B) Acciones para erradicar cualquier sistema de tortura a prisioneros en los centros penitenciarios efectuado por el personal de seguridad en la República Árabe Siria.

Organización Mundial de la Salud

Presidente: Aranza Michelle Castro Rivero

- A) Medidas para mejorar la salud mental en adolescentes con énfasis en la eliminación de trastornos psicológicos tras los efectos del confinamiento de la pandemia de COVID-19.
- B) Estrategias para priorizar el acceso a los servicios de salud sexual reproductiva en zonas rurales de Latinoamérica y el Caribe.

Human Rights Council

President: Regina Lacorte Mariscal

A) Measures to stop the displacement of families caused by organized crime in vulnerable communities in the United States of Mexico.

B) Actions to ensure the human rights of prisoners after the approval of the Exception Regime in the Republic of Salvador, focusing on the so-called "war against gangs" headed by the government of Nayib Bukele.

Comisión Económica y Social para Asia y el Pacífico

Presidente: Giovanna Gamboa Molina

A) Estrategias para implementar un desarrollo de proyectos que aumenten el comercio e infraestructura en Asia y el Pacífico debido a que las zonas productivas se han visto afectadas por los desastres naturales.

B) Medidas para mejorar la calidad de vida de las personas de bajos recursos en las estructuras institucionales de salud y vivienda debido a los conflictos territoriales entre la República Kirguisa y la República de Tayikistán.

United Nations Convention Against Corruption

President: William Vázquez Hernández

A) Measures to reinforce and criminalize any act deemed corrupt in Latin America on the police department focusing on the systematic and police-citizens variants.

B) Measures to stop the theft of assets executed by the government in the Republic of Equatorial Guinea coming from the oil industry causing a defunding on education and health sectors.

Foro Político del Alto Nivel para el Desarrollo Sostenible

Presidente: Sara Sofía Govantes Cruz

A) Medidas para detener y prevenir el impacto que tiene la moda rápida en Europa y Asia, con énfasis en las tres dimensiones de desarrollo sustentable.

B) Acciones para impulsar el turismo sostenible con énfasis en los Pequeños Estados Insulares en Desarrollo del Caribe.

Commission on Science and Technology for Development

President: María José Parra Meza

A) Strategies to replace animal testing with new technological developments in the makeup industry in Latin America, the European Union and the People's Republic of China.

B) Measures to improve the challenges of the labor market due to new sciences and technologies, adapting workers to them with an emphasis on Europe and North America.

AGENCIAS ESPECIALIZADAS Y ORGANISMOS REGIONALES

Subsecretary General: Bruno Ramírez Barcelata

Coordinating Supervisor: María Fernanda García Bautista

Organización de las Naciones Unidas para el Desarrollo Industrial

Presidente: María Sigaru Alcantara Nieva

A) Medidas para reducir los efectos adversos por desastres ecológicos a causa de la industrialización química con énfasis en la República de la India, Japón y el Estado de Kuwait

B) Estrategias para impulsar el desarrollo industrial sustentable con el fin de reducir los altos índices de gases de efecto invernadero en América Latina y el Caribe

Organization for the Prohibition of Chemical Weapons

President: María Fernanda Vázquez Trejo

A) Measures to solve the multiple attacks of chemical weapons on the Syrian Arab Republic, focusing on the chemical problem of Khan Sheikhou in 2017

B) Measures to prevent the usage of neurotoxins as weapons, emphasizing the novichok attacks led by the Russian government

International Criminal Police Organization

President: Mariana Carolina Guerrero Zárate

A) Measures to halt the growth of human trafficking networks in Southern Asia, with emphasis on organ trafficking

B) Strategies to cope with the massive firearms trafficking in Latin America, focusing on the triple border between Paraguay, Brazil and Argentina

Comité Internacional de la Cruz Roja

Presidente: Yamir Bandala González

A) Medidas para proteger a las víctimas y desplazados después de la toma de control del partido Frente de Liberación Popular de Tigré en la República Democrática Federal de Etiopía.

B) Acciones para garantizar el bienestar y salvaguardar la dignidad de los afectados por el conflicto civil en la República Árabe Siria en los campos de refugiados, así como en las rutas utilizadas.

Organización del Tratado del Atlántico Norte

Presidente: Paulette Mayen Álvarez

A) Fortalecimiento de estrategias para la protección de civiles en el conflicto armado entre la República de Serbia y la República de Kosovo, con énfasis en el mantenimiento de la paz

B) Estrategias para contrarrestar los ciberataques hacia la República de Ucrania en el ciberespacio; dentro de la problemática de la Federación de Rusia y sus consecuencias, con el fin de salvaguardar la información del Estado y la OTAN

Security Council

President: Yésika Pamela García Trejo

A) Actions to mitigate the crisis in Lake Chad Basin, addressing violence, economic recovery and security restoration

B) Strategies for the prevention of nuclear accidents with an emphasis on Russia, France and the United States of America

International Criminal Court

President: Manuel Alejandro Grajales Santillán

A) The Prosecutor v. Saif Al-Islam Gaddafi

B) The Prosecutor v. Patrice-Edouard Ngaissona Abdel Raheem Muhammad Hussein

"When one does something with one's heart, one should feel proud."

-Fernando Alonso Diaz

For you:

6 years ago I was starting my adventure in the world of Model United Nations. I remember very much my first model, I was the delegate of Guinea Bissau in a UNESCO committee. We were looking for solutions for the theft of marine archaeology. That sixth grader, who almost cried his first time going to the list of speakers, today is the Secretary General of the largest Model United Nations in Latin America, TECMUN.

When I started in Model United Nations it was a world full of uncertainty, but little by little I got deeper, until I got here, it has been a long road, but it has been worth it. Along the way I have met many people who have inspired me, now it is your turn to inspire me. Thanks to you, I am still here, I want to thank you for inspiring me to continue to stand in front and follow a dream.

For you, delegation, embassy, judge, agent or defender; whether it's your first time in a model or your tenth, I hope these 3 days of debate and hard work will pay off. First of all, I would like you to feel **proud** of the work you have done, standing up in a forum is not easy, and you are the **brave** ones who do it. Feel even braver for becoming, even if only in 3 days, agents of change, for daring to raise your placard in moderate caucus, for having **initiative** to negotiate in simple caucus and for making your proposals, that, even if they sound very crazy, try to **change the world**.

I invite you to take advantage of this opportunity, to enjoy these 3 days and not to take this model as just another task or as an obligation of your school, but to **have the initiative and be brave enough to dare to change the world**.

Santiago Gutiérrez Caycedo
Secretary General for the
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*“Be a lover. Give love. Choose love. Always”
- Harry Styles*

Dear participant:

I hope these three days will be more than a United Nations model, you have probably heard this at TECMUN before, or if it is your first time here, prepare to hear over and over again that TECMUN will change your life, or at least the following years. Maybe the phrase sounds very cliché, or maybe you think it is not true, but let me tell you that at least for me, it did change my course. You do not realize the great impact that something has on your life until it starts to end, and this being my penultimate TECMUN after two years as part of the Secretariat, I can say that nothing would have been the same without this family.

This United Nations model goes beyond assuming the role of a delegation and maintaining a position, it is also about recognizing alternate realities to our own and being able to recognize the power we have. In such a chaotic world, it is important that we always keep in mind that not all people live in the same reality, unfortunately, some face difficulties day by day, while others live in comfort and luxuries. Today more than ever we must raise our voices as new generations, it is of the utmost importance that we fight for a better world for ourselves and for the generations to come; because this is not about being selfish and looking out only for ourselves, but also taking care of the future of the next people who will be in this world.

It is very easy to hate something or someone, hate something you do, create a hate speech, promote discrimination, but the most difficult thing will always be to love, to love what you do, to love who you do it for, or to love yourself. And when you manage to love yourself, love what you do and for whom and why you do it, then you will have won.

If there is something that I want you to take into account during these three days, I want you to know that there is nothing more valuable than fighting for what you love, be it a cause or a hobby, never allow anything or anyone to take away your love for what you are doing. From my own experience, please never give up on what you are passionate about, because for a reason you have come so far and for a reason you are putting so much effort into what moves your soul and mind every day.

I hope with all my heart that you enjoy these three days of the model to the fullest, I hope that you meet new people, realities that are different from yours, or better yet, that you find that motivation to continue wanting to change the world. Believe me, there is no more satisfying achievement than impacting those around us.

Lía Naomi Mejía Vargas
Chief of General Coordination for the
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Dear participant,

It takes a lot of courage to pass to the front and speak for one minute, to stand up in front of a full committee filled with eyes fixed on you waiting for your delegation's position about a certain topic. However, once you start speaking, information starts flowing and you realize that all the time and effort dedicated to your investigation, to discovering a new topic, to adopting and adapting to a country's position despite possibly not being identified by it completely, all of the interest that you applied on your preparation for those kind of moments become totally worth it. TECMUN is not only a simulation of a United Nations committee, TECMUN goes from discovering new people and making new friends to discovering new abilities that maybe you would not have discovered if it weren't for that first step you took by researching about your delegation and raising your hand to participate and speak to express your delegation's point of view, or even by participating in your resolution projects and leading your fellow companions into various and diverse ideas.

For me, TECMUN has opened many doors to incredible opportunities and fabulous people. I hope it does the same to you, remember the most important thing about this kind of experience is not a meaningless trophy or a distinction that sooner or later will be forgotten. The most important thing is to enjoy this experience and take the best from it in order to grow as an individual. I wish for you to have an amazing experience in this edition, meet new people, participate, and most importantly enjoy the now.

My best regards,

Bruno

Bruno Ramírez Barcelata
Subsecretary for the Specialized Agencies and Regional Organisms for the
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"The great leader is not necessarily the one who accomplishes great deeds; it is the one who enables people to achieve great things." -Ronald Reagan

Dear Judge/Agent,

In the next 3 days, you will be responsible for resolving various cases that, up until today, lack a concrete resolution. You will represent members entrusted with delivering justice and values for the well-being of individuals who find themselves in situations of impunity and danger around the world. I warmly welcome you to the International Criminal Court, one of Tecmun's most special and beautiful committees. I appreciate the trust you have placed in this committee, as it fills me with joy and happiness to know that there are people who care about the world and the issues that prevent us from living harmoniously and peacefully as a society.

To you, dear agent or judge, participating for the first time in a United Nations model, I want to tell you to dare – dare to participate, dare to argue, dare to solve, dare to propose. Be the voice of those who cannot speak up, be the person who believes in themselves and their abilities. And to those who have participated in past editions, continue with the enthusiasm, effort, and determination that has brought you back to another Tecmun edition – welcome back.

Nowadays, the world is facing a challenging situation that has led us to question as a society whether we are truly doing things right. Of course, many of us are concerned about what the future holds, as it remains uncertain and doubtful. Peter Drucker once said, "The best way to predict the future is to create it," so you, dear agent or judge, could be that person who inspires others or even the change that this world needs. Tecmun can be that small step to initiate your journey. I understand that Tecmun isn't the same experience for all of us. I admit that in my first Tecmun, I was ecstatic about participating in a model of this caliber, but at the same time, I was terrified of what the next three days would bring. In the end, I discovered that it became more than just a model; it turned into a passion that I am pleased to share today. From there, I aimed to reach where I am now in Tecmun. Enjoy the model in your own way, and perhaps Tecmun will become one of many anecdotes to share, a new hobby to practice, or even a worthy passion to enjoy. Sincerely,

Manuel Alejandro Grajales Santillán
President of the International Criminal Court for the
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Background

The International Criminal Court investigates and prosecutes people accused of the most serious crimes that concern the international community. The Court is taking part in an international campaign to eradicate impunity, hoping to hold those guilty people accountable for their crimes, intending to prevent similar violations from occurring in the future. The International Criminal Court (ICC) is the world's first permanent international criminal court that is supervised and governed by an international treaty known as the Rome Statute. There are 18 judges that conform the Court, which are selected by the Assembly of State Parties.

Faculties

- The International Court of Justice has jurisdiction over the four main and principal crimes which are genocide, war crimes, crimes against humanity, and aggression ; it can prosecute crimes against humanity but only if these are based on the 15 forms of crime that the Rome Statute establishes. The Court can exercise the jurisdiction of certain violations or crimes, if these were committed on or after 1 July of 2002. Since the ICC is a judicial institution, it does not have its own enforcement bodies or police, due to this, it relies on the global cooperation of other countries for applying and doing certain actions such as: making arrests, transferring arrested persons to the ICC detention center in The Hague, freezing suspects' assets, and enforcing sentences. The ICC isn't affiliated to the United Nations Organization, nevertheless both institutions have a cooperation agreement, in which the United Nations Security Council can refer a situation to the Court by giving them the jurisdiction of it. The Court can investigate and prosecute individuals only if the State implicated cannot or is

unwilling to do it; the ICC prosecutes individuals, not groups or countries by following a specific policy which focuses on those who are most accountable for the crimes.

Case A

The Prosecutor v. Saif Al-Islam Gaddafi

By: Manuel Alejandro Grajales Santillán

Background

The case is related to the former ex-prime minister of Libya, Saif al-Islam Gaddafi, who is the son of the ex-commander of the armed forces of Libya and the head of state of the country, Muammar Mohammed Abu Minyar Gaddafi. Saif Gaddafi is accused by the ICC Prosecutor of formulating and carrying out a state policy to put an end to the 2011 civil unrest, including by using lethal force. Saif Gaddafi is still wanted by the ICC for crimes against humanity, even after a Libyan court sentenced him to death in 2015. International demonstrations were triggered by claims of major due process abuses throughout the trial and after the verdicts. The ICC Prosecutor and civil society organizations urged Libya not to carry out the killing and requested that Saif Gaddafi be handed over to the ICC.

Libya's background during the Arab Spring

The Arab Spring, a wave of violent protests and pro-democracy rallies that began in Tunisia in early 2011 and swiftly swept across North Africa and most of the Middle East, began in Tunisia. The situation in Tunisia resulted in the president's removal, but when the protests and rioting moved beyond Tunisia, they became increasingly volatile. Gaddafi began making allegations that the demonstrators were from Al Qaeda. The military launched a savage crackdown, opening fire at random even in the early days of the revolution, with the harshness only increasing as the revolution progressed. Once the rebels discovered these horrific stories were gaining worldwide attention, even worse accounts were fabricated.

In Libya, families of victims of the 1996 Abu Salim Prison Massacre organized a protest led by lawyer Fathi Terbil, who was representing the massacre's 1200 victims in

court. The protest was declared a 'Day of Rage' in Libya. The Libyan government arrested Terbil to put an end to the protest, but this proved to be a mistake as large numbers of people expressing solidarity with Terbil took to the streets, and due to the violence used against them by Gaddafi's forces, protests quickly spread across all major cities and towns in Libya. Initially, these protests and riots were in response to Terbil's detention, and the violence directed at others holding solidarity protests, but as the protests grew, resulting in huge arrests of protestors, the call for a change of regime evolved. Gaddafi's government responded to further arrests and brutality to quell this demand and the protests. The incident had spiraled out of hand at this time. The rebel forces grew in strength, while the Libyan government used even more force against the protesters. Protests and riots escalated into a civil war, culminating in Gaddafi's death on October 20, 2011

Saif Al-Islam Gaddafi and the Libyan government

Throughout the unrest that erupted in Libya in the aftermath of the Arab Spring, Saif al-Islam remained a significant figure. There were numerous claims of torture and severe violence against opponents of his father's administration leveled against him. He was placed on a United Nations sanctions list and was banned from traveling by February 2011. In June 2011 he tried to hold elections and step aside if he did not win.

The International Criminal Court (ICC) issued an arrest order against him towards the end of June 2011, but he remained at large until the death of his father Muammar, and brother Mutassim in Sirte on October 20, 2011. Following lengthy talks with the International Criminal Court, which had sought his extradition, Libyan officials were granted the right to trial Saif al-Islam in Libya for war crimes committed during the 2011 uprising. At the time,

Saif al-Islam's lawyers were concerned that a trial in Libya would be motivated by vengeance rather than justice. The United Nations reported that up to 15,000 people died in the battle, while Libya's National Transitional Council put the total as high as 20,000.

Prosecution of Saif Al-Islam Gaddafi and the issues within his custody

On June 27, 2011, the International Criminal Court (ICC) issued an arrest warrant for Saif Al-Islam Gaddafi, the second son of former Libyan leader Muammar Gaddafi, on charges of crimes against humanity against the Libyan people, namely torturing and killing civilians. Gaddafi was abducted in southern Libya by the Zintan militia in November 2011 and taken to Zintan by plane. He was convicted in absentia by the Tripoli Criminal Court and sentenced to death on July 28, 2015. He was detained by Zintan's de facto independent authority until his release in June 2017.

The first issue, raised by the Prosecutor, was whether an admissibility challenge is conditional on the person's arrest and surrender to the Court. The Chamber concluded that the relevant Statute articles (i.e. 17, 19) did not impose such a precondition and agreed with the Defense position that "it is not a condition of making an admissibility challenge that the suspect surrendered himself to the Court and that such requirement is expressly or implicitly contained in Article 19. The second issue was whether Gaddafi had previously been tried by Libyan national courts for the same conduct as described in the ICC's Warrant of Arrest. The Statute's Article 17(1)(c) provides several scenarios in which a case is inadmissible, including when the person concerned has already been tried for the conduct that is the subject of the complaint. The Defense sought an expansive interpretation of the phrase "tried by another court" in article 20(3), arguing that the ICC would be barred from hearing Gaddafi's case if a

trial court issued a verdict on the merits or a decision on conviction or acquittal, regardless of whether it was a court of final arbiter. The Defense observed in this regard that Article 20 did not require that the ruling in other procedures ended. Also, The Court announced a finding of non-compliance by Libya in December 2014 about the non-execution of requests for cooperation transmitted by the ICC. The Court determined that Libya had failed to comply with two ICC requests: that Gaddafi be handed up to the ICC and that Libya returns to Gaddafi's ICC defense team original documents acquired by Libyan officials during a 2012 consultation about the case.

Conclusions made by the International Criminal Court regarding the case

This issue centered on whether Gaddafi's prosecution by a Libyan first-instance court rendered the charges against him before the ICC inadmissible. The Chamber found, based on existing jurisprudence of several international bodies, that Article 20 required a decision or verdict from which no appeal was possible, and thus Gaddafi's challenge failed. If the Chamber had made a different decision, it would still have had to consider whether the national trial was for the same conduct, whether the national proceedings were to shield the suspect, and whether the national proceedings lacked sufficient independence. These incidents demonstrate that amnesties and pardons violate states' affirmative duty to investigate, prosecute, and punish perpetrators of serious crimes. Furthermore, amnesties and similar processes deny victims the right to the truth, access to justice, and the right to just restitution and other remuneration. The Chamber determined that Article 20 required a decision or verdict from which no appeal could be taken, and hence Gaddafi's challenge failed. Following the Chamber's conclusion that Gaddafi had not been tried by another court

and that all these requirements are cumulative, the Chamber chose not to investigate the other aspects.

Petitions or charges attributed to the defendant

Following the events in Tunisia and Egypt in the early months of 2011, a State policy was designed at the highest level of the Libyan State machinery and aimed at deterring and quelling, by any means, including by the use of lethal force, the demonstrations of civilians against the regime of Muammar Gaddafi which started in February 2011; and In furtherance of the above-mentioned State policy, from 15 February 2011 until at least 28 February 2011 the Libyan Security Forces, which encompass units of the security and military systems, carried out throughout Libya – and in particular in Tripoli, Misrata, and Benghazi as well as in cities near Benghazi such as Al-Bayda, Derna, Tobruk and Ajdabiya, an attack against the civilian population taking part in demonstrations against Gaddafi’s regime or those perceived to be dissidents, killing and injuring as well as arresting and imprisoning hundreds of civilians. Although he does not have an official position, Saif Al-Islam Gaddafi is Muammar Gaddafi’s unspoken successor and the most influential person within his inner circle. As such, he exercised control over crucial parts of the State apparatus, including finances and logistics, and had the powers of a de facto Prime Minister. Muammar Gaddafi, in coordination with his inner circle, including Saif Al-Islam Gaddafi, conceived a plan to deter and quell, by all means, the civilian demonstrations against the regime, and both of them made an essential contribution to implementing that plan.

Recommended material

1. International Criminal Court. (2018, September 28). Pre-Trial Chamber I SITUATION IN LIBYA IN THE CASE OF THE PROSECUTOR v. SAIF AL-ISLAM GADDAFI. International Criminal Court. <https://www.legal-tools.org/doc/5af850/pdf>
2. International Criminal Court. (2019, May 20). The Appeals Chamber SITUATION IN LIBYA IN THE CASE OF THE PROSECUTOR V. SAIF AL-ISLAM GADDAFI. International Criminal Court. https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2019_02875.PDF
3. Jazeera, A. (2020, December 17). What is the Arab Spring, and how did it start? *Arab Spring: 10 Years on News | Al Jazeera*. <https://www.aljazeera.com/news/2020/12/17/what-is-the-arab-spring-and-how-did-it-start>

References

1. Bowen, B. J. (2021, February 12). Arab Spring: How the uprisings still echo, 10 years on. *BBC News*. <https://www.bbc.com/news/world-middle-east-56000950>
 - a.
2. *Gaddafi*. (n.d.). International Criminal Court. <https://www.icc-cpi.int/libya/gaddafi>
3. Irit Weiser. (2019, April 29). “TRIED BY ANOTHER COURT” IN THE CONTEXT OF ADMISSIBILITY CHALLENGES: *The Prosecutor v. Saif Al-Islam Gaddafi*. Global Justice Journal

<https://globaljustice.queenslaw.ca/news/trying-by-another-court-in-the-context-of-administrative-challenges-the-prosecutor-v-saif-al-islam-gaddafi>

4. *The Gaddafi Period — Libyan Heritage House*. (n.d.). Libyan Heritage House.
<https://libyanheritagehouse.org/history-libya/libya-gaddafi-period>
5. *Saif al-Islam Gaddafi | Coalition for the International Criminal Court*. (n.d.).
<https://www.coalitionfortheicc.org/cases/saif-alislam-gaddafi>

Case B

The Prosecutor v. Patrice-Edouard Ngaissona
-Abdel Raheem Muhammad Hussein

*By: Manuel Alejandro Grajales Santillán
Beatriz Mena Torres
Andrea Sofía Rodríguez Moreira*

Background

This case is related to Alfred Yekatom and Patrice-Edouard Ngaissona, both involved in the Anti-Balaka movement in the Central African Republic (CAR). Alfred Yekatom, a former corporal-chef in the Forces Armées Centrafricaines and a member of the Central African Republic's parliament, led a group of some 3,000 members within the Anti-Balaka movement, a predominantly Christian militia known for opposing the Seleka rebels, who are mainly Muslims. The arrest warrant for Alfred Yekatom was issued on November 11, 2018 and opened on November 17 of the same year. Instead of evading arrest, he voluntarily surrendered to the International Criminal Court (ICC) on the same day the arrest warrant was opened *and appeared before Pre-Trial Chamber II for the first time on November 23, 2018.*

On the other hand, Patrice-Edouard Ngaissona, leader and national general coordinator of Anti-Balaka, is accused of committing atrocities in several regions of the Central African Republic, including Bangui, Bossangoa, Lobaye prefecture, Yaloké, Gaga, Bossemtélé, Boda, Carnot, and Berberati. These complaints involve serious human rights violations, which are the subject of ICC investigations. His arrest warrant was issued on December 7, 2018. On December 12, 2018, he was arrested by French police and taken to the ICC detention center on January 23, 2019, after the relevant national procedures were completed.

The Civil War on Central Africa

In the year 1960 the Central African Republic achieved its independence, however, since that time there has been political instability and internal armed problems. In 1993 there were elections, having been elected Ange-Félix Patassé, who was overthrown by means of a coup led by Francis Bozizé. In December 2012, a coalition of rebel groups (Seleka) led by Michel

Djotodia demanded a Unity Government from the President, as well as compliance with the agreements of the 2008 Libreville Summit. For 2013, the Seleka argued slow or no progress in disarmament, as well as the inclusion of the rebels in public life, took the capital Bangui by arms in March, self-proclaiming their leader as president. Djotodia carried out actions such as suspending the Constitution with the promise of carrying out a political transition, with a "Unity" Government, likewise, he promised elections in 18 months. As time has passed, the country has found itself in a spiral of violence, since on the one hand, there are the Seleka rebel forces that, despite having been dissolved by their leader, continued with excesses and looting; on the other, self-defense groups appeared to counteract them, causing many people to be displaced from the country and take refuge in neighboring countries.

Faced with this situation, the international community has sent troops to try to contain the violence generated. In 2015, the Bangui Forum for Dialogue and National Reconciliation was held, in which an agreement was signed between the transitional government and various armed groups, which led to elections where Faustin Archange Touadéra was elected president in 2016. Despite the above, the confrontations continued, for which reason the "Political Agreement for Peace and Reconciliation in RCA" was signed between the government and 14 armed groups in 2019, although violence in the country decreased, it has not been enough to remove it. The lives of millions of children across the country are threatened by this continued violence and by lack of access to food, health care, education, water and sanitation.

The conflict and the lack of access to basic elements for survival have caused child malnutrition rates to exceed the nutritional emergency threshold in almost the entire country. In addition, thousands of children are trapped by armed groups, and many more suffer sexual violence. Virtually all children need protection from these groups. It is estimated that more

than a million people have had to flee their homes due to the violence. Murders, rapes, looting, mutilations, and all kinds of abuses and violence are the crimes committed by the successive governments of the Central African Republic between 2013 and 2015, as has been documented by the United Nations.

The impact of Seleka Rebels in the CAR and relationship with the ICC

In late 2012, predominantly Muslim Seleka rebels launched a rebellion against Central African Republic President François Bozizé, seizing power through a campaign of brutality and terror. In late 2013, anti-balaka Christian and animist groups began to prepare counterattacks against the Seleka. The anti-balaka movement arose from local self-defense organizations that existed under Bozizé and regularly targeted Muslim civilians, identifying all Muslims with the Seleka movement. Since 2013, Human Rights Watch has been documenting war crimes and crimes against humanity committed by Seleka and anti-balaka forces. Between late 2014 and April 2017, some of the most heinous abuses happened in the Central African Republic's central regions. Human Rights Watch has also recorded hundreds of cases of rape and sexual slavery committed by anti-balaka militias and Seleka faction fighters.

On May 30, 2014, the Central African Republic's then-interim president, Catherine Samba-Panza, presented the situation in the country since August 2012 to the International Criminal Court in The Hague. The prosecutor announced the launch of an inquiry into alleged crimes committed in the Central African Republic since 2012. This was the International Criminal Court's second inquiry into suspected crimes in the Central African Republic. The ICC's initial inquiry focused on grave crimes committed during a coup led by Bozizé in 2002 and 2003. The Central African Republic referred the case to the ICC in

December 2004, and the ICC prosecutor announced the start of a formal inquiry into the situation in 2007.

The prosecution of the ICC against Yékatom and Ngassona

Yékatom is charged with ten counts of war crimes and eleven counts of crimes against humanity, while Ngassona is charged with sixteen counts of war crimes and sixteen counts of crimes against humanity. The charges include knowingly directing an attack against civilians, homicide, purposefully directing attacks on religious sites, deportation or forceful transfer of population, civilian displacement, and persecution. Both were also charged with the war crime of enlisting and utilizing children under the age of 15 in hostilities. When confirming the allegations for trial, the ICC judges refused specific accusations requested by the prosecutor relating to occurrences in various locations beyond Bangui, the capital of the Central African Republic.

The evidence did not prove that Ngassona had effective control over certain anti-balaka groups operating outside of Bangui, according to the judges. Victims first expressed fear that the prosecution would not treat rape and sexual violence accusations separately. Rape was eventually charged as a war crime and a crime against humanity, but only against Ngassona. The prosecutor later wanted to add a second rape instance to Ngassona's charges, as well as rape and sexual enslavement allegations against Yékatom. However, the court refused the motions, citing, among other things, the necessity to balance the prosecution's efficacy with the potential detriment to the defendants due to the late date.

Petitions or charges attributed to the defendant

With regard to M. Yekatom, the Chamber concluded that there are substantial grounds to believe that he is responsible for: (i) the war crimes of murder, cruel treatment, torture, directing attacks against the civilian population, directing attacks against a building dedicated to religion, conscription, enlistment, and use of children under the age of 15 years to participate actively in hostilities, and displacement; and (ii) the crimes against humanity of murder, deportation, forcible transfer of population, imprisonment, and other forms of severe deprivation of physical liberty, torture, persecution, and other inhumane acts. The alleged crimes were committed in various locations in the CAR (Bangui, including Cattin; Boeing; Yamwara School, and the PK9-Mbaki Axis). The Chamber found that there are substantial grounds to believe that M. Yekatom has committed the above-mentioned crimes jointly with others, through other persons, or, in the alternative, has ordered the commission of these crimes.

With regard to M. Ngaïssona, the Chamber concluded that there are substantial grounds to believe that he is responsible for: (i) the war crimes of directing attacks against the civilian population, murder, torture, cruel treatment, rape, directing attacks against buildings dedicated to religion, displacement of the civilian population, destroying the property of an adversary, and pillaging; and (ii) the crimes against humanity of murder, deportation, forcible transfer of population, imprisonment, and other forms of severe deprivation of physical liberty, torture, rape, persecution, and other inhumane acts. The alleged crimes were committed in various locations in the CAR (Bangui, including Cattin; Boeing; Yamwara School; Bossangoa, and the PK9- Mbaïki Axis). The Chamber found that there are substantial grounds to believe that M. Ngaïssona aided, abetted, or otherwise

assisted in the commission of the above-mentioned crimes or, in the alternative, has contributed in any other way to their commission by a group of persons acting with a common purpose.

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XXXI TECMUN Jr.
Glossary of Objection

1. Relevance

Used to object to the relevance of evidence either if a piece of evidence or a witness is saying has nothing to do with the affair or it is not important in determining the judgment.

2. Prejudicial

Used to object whenever an evidence presented would unfairly turn the Chamber against a party even when the evidence is considered to be relevant within the affair.

3. Leading Questions

It is used to object any time a party poses a question on direct examination that leads either a witness or other party to a certain answer, leading questions usually occur within the case of yes or no questions.

4. Argumentative

It is only used when the questioning attorney is not properly asking a question and is instead making an argument of law or application of law that should be argued in summation. In addition, it is only valid when the witness is not being asked a question that he, she, they or them can properly answer.

5. Speculation

Used when any party to the affair, or if given the case a witness, does not have first-hand knowledge of the fact it is testifying to, being that this could be what someone else thought or why someone did something.

6. Assumed Facts not in Evidence

Used whenever a question by the directing attorney contains information not yet in the recorded evidence.

7. Lack of Foundation

Used when an evidence has not been entered that would make this admissible. This could be proof that a confession has been made knowingly and voluntarily, that a witness is competent to testify to a fact, or that a document is admissible.

8. Repetitive

Also described as asked and answered, it is used at the time in which during the evidence process either a judge or agent might ask the same question over and over again; perhaps in slightly different ways or re-ask a question they had asked earlier towards the evidence or if given the case, a witness.

9. Non-responsive

Whenever a judge or an agent responds to a question with information that is completely unrelated to the same question, it can be objected to as being non-responsive. This can be especially important in the evidence process or when looking for very specific answers.

10. Vague

It is a vague question when it is either difficult or impossible to tell what the question is about. If the question is objected to, the questioning judge or agent might then be able to ask the question in a different way that makes more sense or is more specific.

11. Hearsay

A statement made out of Court and offered in Court to prove the truth of the matter asserted. A statement is not hearsay if the words spoken are relevant, not what the words mean.

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Glossary of Forbidden Words

Forbidden Words

Defined by the United Nations, are non diplomatic terms participants must avoid to mention during their speeches on the debate and in the writing of resolution projects.

Forbidden Words	Permitted equivalents
First world countries	Developed countries
Third world countries	Developing countries
Gay	Member of the LGBTIQ+ community
War ¹	Belic conflict
Rape	Sexual Harassment
Terrorist	Extremist
Kill or murder	Deprive someone of their life
Death	Casualties
Assassination	Homicide
Army	Military forces
Money	Economic resources
Poor	Lack of resources
Okay	Yes or agree
Black ²	African American

¹ The word war can be used in order to refer to historical contexts, such as the Cold War, the First World War, etc. It can only be used in the Security Council to refer to armed conflicts.

² The word black, with regard to race, is not forbidden but it is recommended to limit its use and refer to this sector as African American or Afrodescendants.

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Glossary for Resolution Projects

Preambulatory Phrases

Preambulatory Phrases are used at the beginning of every Resolution Paper in order to give context about the resolutions made for the topic. Preambulatory Phrases must be written in italics followed by a sentence that gives said context. For each Resolution Paper there must be five sentences beginning with a Preambulatory Phrase.

Affirming	Desiring	Noting with deep concern
Alarmed by	Emphasizing	Noting with satisfaction
Approving	Expecting	Noting further
Bearing in mind	Expressing its appreciation	Observing
Believing	Fulfilling	Reaffirming
Confident	Fully aware	Realizing
Contemplating	Further deploring	Recalling
Convinced	Further recalling	Recognizing
Declaring	Guided by	Referring
Deeply concerned	Having adopted	Seeking
Deeply conscious	Having considered	Taking into consideration
Deeply convinced	Having examined	Taking note
Deeply disturbed	Having received	Viewing with appreciation
Deeply regretting	Keeping in mind	Welcoming

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Glossary for Resolution Projects

Operative Clauses

Operative Clauses are used at the beginning of every resolution within the Resolution Paper on the debated topic. They must be written in italics and bold.

Accepts	Endorses	Notes
Affirms	Draws the attention	Proclaims
Approves	Emphasizes	Reaffirms
Authorizes	Encourages	Recommends
Calls	Expresses its appreciation	Regrets
Calls upon	Expresses its hope	Reminds
Condemns	Further invites	Requests
Confirms	Further proclaims	Solemnly
Congratulates	Further reminds	Affirms
Considers	Further recommends	Strongly
Declares accordingly	Further requests	condemns
Deplores	Further resolves	Supports
Designates	Has resolved	Takes note of
		Transmits
		Trusts