

IBSBMUN 2022



# Study Guide International Criminal Court

The Prosecutor v. Omar Al-Bashir





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## **Welcoming letter**

Esteemed delegates,

We are truly honoured to welcome you to the International Criminal Court committee of IBSB MUN 2022!

The International Criminal Court is one of the most unique committees in the MUN roster and, although similar to the International Court of Justice, you will find out soon enough that it deals with very different legal questions.

The case you will be reviewing is that of Omar al Bashir, the former president of Sudan. This case is one of the most intriguing in international humanitarian law and shows how one man can truly be the root of all evil or maybe not.

Please keep in mind that this study guide is only the beginning of your research and we strongly recommend that you look into humanitarian law as well as the merits of this case. Since we are assuming that the trial has just begun, it is the duty of the advocates to present all legal claims and merits of the case and that of the judges to review these claims and merits.

We hope you are just excited as we are for this unique journey!

Kind regards,  
Lucian Cismaru and Karina Zybaczynski

*Presidents of the International Criminal Court of IBSB MUN*



## **Introduction to the topic**

Note: This introduction into the topic is, as the title suggests, a mere introduction into the events that have led to the premise of the committee, serving as a courtesy since, generally, an ICC committee would not have a study guide. Hence, we strongly urge all advocates to conduct more consistent research into these matters before writing the memorandums, since otherwise, not only the documents, but also the activity of the committee will be lacking.

Omar Hassan Ahmad Al-Bashir is the former President of Sudan, holding office from 1993 to 2019. Having come to power as a result of a military coup that ousted a democratically elected government, Al-Bashir has been under international scrutiny ever since the start of his regime. During his regime, he was elected three times as President, though the elections have been suspected of fraud. Though such suspicions are to be taken with a grain of salt since they were coming from the Sudanese opposition.

However, what some might consider the highlight of his regime, and what is indeed our main point of interest, is the war in Darfur, which began in 2003. The region of Darfur was not originally part of any of the Arab states in the region, since the population contained ethnic groups that did not identify as Arab. The war in the region was not necessarily started by ethnic conflicts, though there have been allegations that, since the 1990s, the non-Arab population in the region has been subject to an intense apartheid campaign, and the Sudanese government has been accused by international figures, such as the former Canadian Minister of Justice, Irwin Cotler, of such actions. During the war, Al-Bashir was responsible for the government response. The war, so far, has amassed between 200,000 to 400,000 casualties, according to international sources; however, the Sudanese government has only declared around 10,000 casualties. The war has experienced several episodes of guerrilla warfare between government militia and rebel groups and has also caused the displacement of over a third of the region's population (2.5 million people).

In 2008, as a result of a recommendation from the Security Council, the International Criminal Court accused Al-Bashir of genocide, crimes against humanity, and war crimes committed during the war in Darfur. Though an arrest warrant was issued, there was not sufficient evidence to prosecute him for the genocide charges, however, a new warrant was issued in 2010 which contained three separate counts of genocide. As Sudan is not a part of the Rome Statute which established the ICC, the government did not recognize the warrant and the court's decision was also criticised by the African Union and the Arab League.

In 2019, as a result of a military coup, he was removed from power and was convicted of corruption and sentenced to two years in prison. The new government stated that he would be eventually transferred to the ICC, which, for the purposes of this committee, we will assume has happened as of July 2021.



## **Guide to writing the memorandum**

In writing the memorandums that are to be submitted to the chairpersons, please make note of the following guidelines, which are required in order to ensure a good quality of the said documents. The memorandums must be submitted no later than ..., to ..., and the deadline for the final corrections following the review is ...

### **Structure**

Each Memorandum shall include the pages/sections below and shall be presented in the following order:

- Front cover;
- Title page;
- Table of contents;
- List of abbreviations (As legal writings require, if you use any internationally recognized abbreviations, you must list them beforehand);
- Index of authorities (list of sources);
- Statement of facts (True and verifiable data about the case, they are the merits of the case);
- Issues (Interpretations of international law regarding the facts stated beforehand);
- Summary of arguments (The arguments brought by your team IN SUMMARY);
- Written arguments (Here you can expand said arguments);
- Submissions (Proposals for the consideration of the Court regarding the judgement);
- *Optional*: Annex (max two (2) pages).

### **Format**

All memorials submitted must obey the following:

- be formatted in size 12 Times New Roman font style (applies to all pages of the memorial, including the cover page);
- each page must have a margin of 2 cm on every side of the text;
- memorials must be continuously page-numbered, with each page being numbered;
- the line spacing for all parts of the memorial is to be 1.5 lines;
- headings and subheadings of more than one line in length must be single spaced.

### **Word count**

Each Memorial must not exceed 5.000 words (including footnotes). The 5.000 words exclude the front cover, title page, table of contents, list of abbreviations and index of authorities.



### **Front cover requirements**

The front cover (page) must contain the following information:

- Role (Counsel for the Prosecution or Defence Counsel);
- Title of the conference;
- Year;
- Total word count.

The front cover (page) must be colour coded accordingly:

- Green for Counsel for the Prosecution;
- Red for Defence Counsel.

### **Footnotes requirements**

- Footnotes have to be in Times New Roman font style, size 10 font.
- Footnotes of more than one line in length must be single spaced. Spacing between each footnote shall be single.
- Consistency in the reference to sources throughout the memorial is required. One referencing style only may be used throughout the memorial.
- All the sources included in the index of authorities, must be included in the footnotes as well. Abbreviations of sources within footnotes are allowed. The abbreviation has to be announced in the index of authorities.

### **Evaluation factors**

The evaluation factors to be considered, without regard to their order of importance, shall include, but are not limited to: knowledge of the facts and law; proper and articulate analysis; extent and use of research; clarity and organisation; evidence of original thought; persuasiveness; grammar and style.

### **References:**

1. The principles of International Humanitarian Law:  
[https://casebook.icrc.org/law/fundamentals-ihl#d\\_iii](https://casebook.icrc.org/law/fundamentals-ihl#d_iii)
2. Accusation brought to Omar al-Bashir:  
<https://www.icc-cpi.int/darfur/albashir>