

**Tangier Model United Nations
International Court of Justice Chair Packet**



**United States v. China
for Misinformation on COVID-19**

President: Dany Kanaan

Vice President: Pranav Mittal

Judges: Joseph Abou Zbib, Yousra El Kati,
& Hajar Rachidi

Authors: Dany Kanaan & Pranav Mittal

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Welcome to the TMUN International Court of Justice (ICJ). This chair packet aims to help you understand what the ICJ is, how it's going to work, and what you need to prepare. We've included all the details necessary to ensure our committee runs smoothly and effectively. For any questions or concerns, please feel free to contact us, your chairs. Our contact information can be found at the bottom of this document.

Functionality

What is the International Court of Justice (ICJ) ?

The ICJ, which was first established in June 1945 and began work in April 1946, is the principal judicial organ of the United Nations. In accordance with International Law, its role is to settle legal disputes submitted to it by States and to give advisory opinions on legal questions.

For further information on the specifics of the ICJ as an organ in the United Nations, visit: <https://www.icj-cij.org/en>

How does Model ICJ work?

This year's ICJ will include three judges, two presidents, and 4 advocates divided by two pairs representing both sides of the conflict, during trial, in question. The goal for each advocate team is make their case and convince the panel of judges to vote for or against (respectively) on the case. During the procedure, the advocates have to call on their memorandum, their witnesses and substantial evidence that they have provided. It is in the judges' discretion to decide whether the evidence and witnesses' statements are taken under Minimum, Medium, Maximum Consideration. Each judge has one vote for or against the Applicant. On the off chance that there is a tie, the president of the ICJ has the deciding vote. Keep in mind, the ICJ does not function like the other committee, and runs like an actual court case.

Objections, Points, and Motions

The Objections, Motions and Points are used to draw attention to mistakes that may have been made, requests to do something outside of the natural procedure and questions that a participant may have. Anyone can make these.

Objections:

- Hearsay (when during the interrogation of the witness, the witness doesn't work as a primary source but as a secondary)

- Leading Question (when the questions made by the advocate providing the witness to the same witness can be answered in a yes or no manner or it is posed in a way that the witness doesn't express their opinion)
- Speculation (when the witness or an advocate tries to predict a certain outcome that is not capable of being confirmed)
- Prejudicial (when a question hurts the integrity of the panel or the witness) • Competence (when a question requires knowledge that the witness cannot possibly possess ex. a question with technical details)
- Badgering (when a question is intimidating the witness)

Points:

- Point of Personal Privilege
- Point of Parliamentary Inquiry

Motions:

- Motion to extend (only made by the Judges)
- Motion to approach the board (only made by the Advocates)

What will each day entail?

Day 1

- Roll Call
- Opening Statements (from Advocates)
- Presentation of evidence by both parties
- Judges Deliberation
- Questioning of Advocates by the Judges

Day 2

- Roll Call
- Debate
- Presentation of Witnesses
- Cross Examination
- Interrogation of Witnesses by the Judges
- Judges Deliberation
- Questioning of Advocates by the Judges

Day 3

- Rebuttal
- Questioning of Advocates by the Judges
- Deliberation
- Verdict

Preparation

What should be prepared prior to the Court Session?

Each delegate is required to prepare an Memorandum (Position Paper) that shows the position of their country and their point of view on the matter. Within the Memorandum (which is approximately 600 words) there should be included: a complete listing of the issues of their country concerning the topic, propositions for a solution, and anything that would make the judges more sympathetic towards the side they favor.

Advocates are required to prepare Evidence Packets. These packets should include all evidence the advocates plan to use to support their legal arguments. The document must be labeled with the delegate's full name and school, the country they're representing, and the side they chose to defend. Each piece of evidence must follow certain formatting and citations:

- Title, Author, Medium (Website link/Book/etc.), Date, Brief explanation (what is your source/what does it prove/how it's relevant/why it's reliable)

The panel reserves the right to strike out pieces of evidence that have not been reviewed beforehand. Once packets are submitted, they cannot be altered or changed at any point whatsoever. Evidence generally consists of objects with any relevance to the case, such as papers, articles, or documents. They must be related to the topic, particularly in defense of arguments being made. In the case of evidence falsification, the panel reserves the right to order said advocate to leave the court.

In addition, the Advocates have to find Stipulations (facts and events both parties agree on) and present them to the presidency, these should be included in the Evidence Packet.

The above documents have to be sent to the Presidency and distributed to the Judges prior to the conference. In addition, the Advocates have to prepare a witness list from the countries available in the committee and inform the Presidency.

Advocates will consist of the United States and China. Their accompanying advocates will be decided upon beforehand, once country assignments have been released.

There will be no resolution to prepare for as the verdict will simply be decided upon by the judges. However, your position papers, evidence packets, and witness lists will be due on December 30th.

Relevant Sources:

- <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=d1b023c0-4033-4197-b68d-c11301478271>

- <https://www.orfonline.org/expert-speak/corona-the-case-for-taking-china-to-icj-64096/>
- <https://www.icj.org/southeast-asia-states-must-respect-and-protect-rights-in-combatin-g-misinformation-online-relating-to-covid-19/>
- https://twitter.com/MFA_China/status/1252932052237705216?s=20

Topic Overview

In April of 2021, Missouri Attorney General Eric Schmitt filed a civil suit against China regarding the COVID-19 outbreak that started in Wuhan, the capital of the Hubei province. He claimed that China withheld information on the virus that would've otherwise enabled the world to deal with it properly. China's foreign ministry has strongly condemned these allegations but, as of writing this, the UN International Court of Justice has not released a statement addressing the case.

Background

The Coronavirus originated from China, on December 31, 2019, when the Wuhan Municipal Health Commission filed a report of a cluster of cases of pneumonia. At that time, the exact disease was unidentified until it was revealed that China had found similar cases of a new type of pneumonia two months prior. On January 8th, COVID-19 was recognized and found to have originated from an exotic animal market in China, though there are disputes on the transfer to humans.

The months to follow saw the evolution of the virus into a worldwide pandemic that claimed millions of lives and infected even more. Most nations were pushed into lockdown, causing immense economic losses, steepening social imbalances, and destabilizing the global political climate. Despite the world efforts, the pandemic will undoubtedly go down as a notable calamity this century, standing out from previous pandemics in history as well.

This being the case, people have been rushing to hold someone accountable for the pandemic and blame has been pointed in several directions. Countries like the United States and Italy have been targeted for their response to the virus, the latter even being attributed as the instigator of the spread. Still, most statements made towards the nations have been vague, mostly sourcing from informal debates among societies across the globe.

There are, of course, exceptions. The United States have been vocal about their disapproval of China's handling of the pandemic. Donald Trump, then former president of the United States, has been quoted criticizing and even blaming China publicly and officially. Nonetheless, these claims have been widely ignored given their context and source.

April 22nd of 2021 can be considered the first action taken by the United States in support of their stand on the matter, when the Attorney General of Missouri sued China on the grounds of misinformation. The case detailed that China failed to notify the WHO in a timely manner which is mandatory by international law, that China is spreading misinformation regarding the origins of the virus and the number of cases in the nation. The U.S claims that if China had obliged international law and had notified the WHO of the new disease which was labeled as a new form of pneumonia that the virus would not have spread as quickly and thus not harmed the economy, global health, and society overall. Since this dispute could not be resolved by the WHO and that the WHO does not have the authority to resolve this case, the case has been sent to the International Court of Justice to rule over.

These claims source from the initial discovery of the virus that was not reported to the International World Health Organization (WHO), who requires they be notified of events that may be seen as “a public health emergency of international concern.” Similarly, The International Covenant on Economic, Social, and Cultural Rights (ICESCR) demands the right to “the highest attainable standard of physical and mental health,” which the United States imply was prevented from other nations in China’s failure to notify them.

Plaintiff Allegations (USA)

Though this case has not been taken to court yet, the United States has made its claims clear. The lawsuit called by the Missouri Attorney General asks for ‘billions of dollars’ in compensation from the Chinese Communist Party, the government, and other Chinese officials and institutions. He claims that China failed to report the dangers of the virus and silenced those who tried to while poorly handling the spread of the virus in and out of their nation, as well as having withheld supplies that could have alleviated the global pandemic.

This court acknowledges that several other lawsuits have been appealed for or filed against China. Though the lawsuits themselves cannot be presented as evidence, relevant countries are welcome to use the information and sources presented in said cases.

Defendant’s Objections (China)

The spokesperson of China’s foreign ministry released a statement via Twitter addressing the lawsuit. He called it a “frivolous lawsuit has no factual or legal basis. Really absurd.”

Bibliography

Disclaimer: The majority of the information and content in this document has been adapted from the 2021 TMUN Chair Packet and the ACGMUN ICJ Manual.

ICJ Manual - ACGMUN.GR. Pierce – The American College of Greece,
<http://www.acgmun.gr/wp-content/uploads/2016/08/ICJ-Manual-ACGMUN.pdf>.