

MUNNY '22

Model United Nations of Nyborg



**International Court of Justice -
Research Report
Republic of Cuba vs United States of
America regarding the legality of US
sanctions on the Republic of Cuba**

Dear Advocates,

This is the Research Report for the case “Republic of Cuba vs United States of America regarding the legality of US sanctions on the Republic of Cuba”. The following document outlines this case for this year’s simulation of the ICJ. If you are a Judge, you should stop reading now and find a separate document containing your research report. For Advocates, this will provide a useful starting point along with some helpful tips as to what areas of law to concentrate on, as well as useful sources for the writing of stipulations, memorandums and evidence. Please note that more extensive research on the topic is required - you should not base all of your work on this document. The Judges will refrain from seeking out knowledge apart from a separate research report to maintain objectivity.

Thank you for choosing the ICJ and good luck!

TIMELINE OF EVENTS:

- February 1962** The Kennedy administration imposes an embargo on the Republic of Cuba, prohibiting all trade. This was in response to actions by the Cuban Government and directed the U.S. Department of Commerce and Treasury to implement the embargo.
- August 1962** The Foreign Assistance Act was amended to refuse aid to any nation that provided assistance to the Republic of Cuba.
- October 1962** U.S. Spy satellites discover that the Soviet Union has placed nuclear missile bases on Cuba. The Kennedy administration demanded the removal of the Soviet weapons and effectively ordered a naval quarantine around Cuba made by U.S. blockades.
- September 1977** President Carter and Fidel Castro came to an agreement that started a limited resumption of diplomatic ties between the United States of America and the Republic of Cuba. Both nations open small interest sections in each other's capitals. The U.S. does so under the auspices of the Swiss embassy in Havana. And Cuba under the auspices of the embassy of Czechoslovakia in Washington DC.
- 1982** The U.S. designates Cuba as a sponsor of terrorism because it supports militant communist groups in African and Latin American countries. In contrast, Cuba states that "acts by liberation movements cannot be defined as terrorism."
- 1992** President George H.W. Bush signs the Cuban Democracy Act. This increases the U.S. economic sanctions on Cuba. The act followed the collapse of the Soviet Union. Furthermore, it barred vessels that had exchanged goods with Cuba in the 180 past days from docking in U.S. ports. It also offers an alternative pathway towards normalizing U.S.-Cuba relations with the condition that Castro's government makes economic and political reforms.
- 1992** The United Nations General Assembly voted to condemn the United States economic, commercial and financial

embargo against Cuba. This call to end the embargo continued to be made every year from 1992.

- 1996** President Clinton signed the Cuban Liberty and Democratic Solidarity Act, which tightened the U.S. embargo. This happens after the Cuban military shot down two U.S. civilian planes. This act penalizes foreign companies that do business with Cuba, leading several U.S. allies to see the act as a violation of international law.
- May 2015** The Republic of Cuba is removed from the states sponsoring terrorism by the United States of America. This is under the Obama administration.
- July 2015** The United States of America and the Republic of Cuba both reopen embassies.
- October 2016** The United States of America abstains from voting for the United Nations General Assembly's adaptation of a resolution underlines the need to end the US economic, commercial, and financial embargo on Cuba. This is the first time the US has abstained in the case, which has been going on since 1992.

PRESENTATION OF THE CASE:

The case on the assassination of the Republic of Cuba vs United States of America regarding the legality of US sanctions on the Republic of Cuba is initiated by the Republic of Cuba. Cuba accuses the United States of America of violating international law with its standing embargo, harming Cuba's economic development and the well-being of the Cuban people.

Specifically, the Republic of Cuba refers to violations of the convention on genocide and international humanitarian law. In addition, Cuba argues that the embargoes have resulted in restrictions that significantly worsen the living standards of the Cuban people. For example, with restricted access to lifesaving medicine, Cuba sees this as an act of genocide. Therefore, Cuba requests the immediate removal of US embargos. Furthermore, Cuba requests the Court to

decide upon reparations that are to be provided by the US for the damages to the Cuban economy and the mass casualties that have been a result of the embargo.

In contrast to that, the US argues that, as stated by its President and many other senior officials, the US will continue to stand by the Cuban people and continue to

sanction Cuba until the people have their rights and freedoms restored. The US further explains its embargos on Cuba to be a reaction to Cuba's economic and political instability. Therefore, the US refuses to remove the embargo without irreversible economic and political change.

AREAS OF LAW TO READ UP ON:

Advocates should acquaint themselves with the following legislations:

1. International law such as but not limited to:
 - a. the Charter of the United Nations,
 - b. the Statute of the International Court of Justice,
 - c. Customary International Law,
 - d. the convention on the prevention of genocide,
2. The Universal Declaration of Human Rights,
3. Cuban and American national law.

In order to, call for any actions of the Court it is essential that advocates refer to the above legislations. As the primary arguments are based on them. Moreover, advocates should be able to refer to specific articles that are relevant to the case.

Similar cases that the court has ruled on can be used and referred to as precedents for actions, so it is in the interest of advocates to familiarize themselves with such cases.

BIBLIOGRAPHY:

Sources Relevant for Advocates

The **International Court of Justice**: The official website of the International Court of Justice provides an overview of the workings of the Court.
<https://www.icj-cij.org/>

The **International Court of Justice – Basis for Jurisdiction**: Both countries are allowed, as original members, to appear before the Court.
<http://www.icj-cij.org/en/basis-of-jurisdiction>

Presidency of The International Court Justice
Republic of Cuba vs United States of America

Further references and sources

- Ezez. 2021. "Cuba Sanctions - United States Department of State". *United States Department of State*. <https://www.state.gov/cuba-sanctions/>.
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- Ezez. 2021. "US abstains for first time in annual UN vote on ending embargo against Cuba". *UN News*. <https://news.un.org/en/story/2016/10/543832-us-abstains-first-time-annual-un-vote-ending-embargo-against-cuba>.
- Ezez. 2021. "UN General Assembly renews long-standing call for end to US embargo against Cuba". *UN News*. <https://news.un.org/en/story/2018/11/1024672>

FINAL NOTES:

Dear Advocates,

If you are unfamiliar with the International Court of Justice, it is important that you read the following:

It is important to note that the ICJ is a different forum from the rest of the United Nations; thus, we would advise you to look at the 'Rules of Procedure' to understand the court style of debate. Subjective opinion reigns supreme, and lying (while discouraged) is rampant. You should gain more in-depth knowledge of your country as you are defending it in the debate and trying to prove the other team of advocates wrong. You are also supposed to behave as your country would. You will have your statements evaluated and your evidence scrutinized by the Judges, all while under attack from the other advocate team. In addition, you have to be aware of your country's weaknesses and the opposing team's as well, to be always prepared whenever something against your country is brought up. However, other key features have to be present to ensure that your team seals its victory, including substantial, convincing, and relevant evidence, persuasive speeches, and well-prepared witnesses. All of this combined may guarantee success for your country.

Furthermore, this being a hypothetical case regarding an ongoing situation, you need to note that the date the proceeding will start is when the conference begins. Therefore, you will only be able to present evidence or arguments referring to events after February 24th, 2022.

Should you have any questions regarding the process, please do not hesitate to contact us via e-mail or social media.

Yours truly,

The Presidency

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