



American Model United Nations
ICJ Justice

In the International Court of Justice

Libyan Arab Jamahiriya)

Applicant)

Vs.)

United States of America)

Respondent)

Memorial of Libyan Arab Jamahiriya

COMES NOW Libyan Arab Jamahiriya and for their Memorial to the
Court

states the following:

STATEMENT OF FACTS

On December 21, 1988 a bomb exploded in the cargo hold of Pan American Flight 103 over Lockerbie, Scotland killing 259 people. An investigation traced the terrorist act to two Libyan Nationals, Abdelbasset Ali Ahmed Al-Megrahi and Ali Khalifa Fhimah. The United States and the United Kingdom pressed charges against the two individuals and asked that they be surrendered to the United States. The United States, United Kingdom, and France asked for the disclosure of documents and demanded compensation from the Libyan government. The Libyan Arab Jamahiriya refused to hand over the documents, did not pay compensation, and initiated the trial themselves. Libyan Arab Jamahiriya requested legal assistance from the United States of America and the United Kingdom. The

United States of America and the United Kingdom refused to assist in legal proceedings, preferring to run it themselves and take the compensation.

JURISDICTIONAL STATEMENT AND ARGUMENTS

Libyan Arab Jamahiriya **strongly** feels that the International Court of Justice has the utmost precedence over this case in that they make rulings over the major issue points relevant to the outcome of the issues at hand. It is the duty of this court to preside over disputes on international treaties between member states, of which there are several up for discussion also in relevancy. The United States of America, the United Kingdom, and France have violated the United Nations Charter in their haste to condemn and put sanctions on the Libyan Arab Jamahiriya, most undeserving, and the further sanctions put forth by Resolutions 748 and 883 should be lifted and declared unnecessary in accordance with our rights to persecute in fair trial our own Nationals. Furthermore, we, the Libyan Arab Jamahiriya, feel that the accusations of our government being involved are most unsound and that by requesting the United States and the United Kingdom, most affected by the incident, to aid in the trial of the accused our government showed the willingness and standard for a fair trial for the individuals.

STATEMENT OF LAW

1. Under the Montreal Convention of 1971 for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, which both the Libyan Arab Jamahiriya, United States,

And the United Kingdom signed and ratified, Article 5 Section (paragraph) 2 states that if the

Accused individuals reside in a State then that State has the jurisdiction to take actions necessary to prosecute and hold fair trial of the alleged criminals if the

member nation chooses not to extradite the accused to the nation that the accident happened in, or for which the aircraft

Belonged to.

2. Security Council Resolution 731 of 1992 violates the UN Charter in the process of

Voting for which parties involved in the dispute voted, namely the United States, the United

Kingdom, and France voted while in dispute with the Libyan Arab Jamahiriya.

3. United Nations Charter, Chapter V Article 27 Section 3 clearly states that parties

Within a dispute being covered within the voting in Security Council must refrain from voting-

Which, on Resolution 731 did not happen when the United States, the United Kingdom, and

France all voted on sanctions for the Libyan Arab Jamahiriya while in dispute with them on

Jurisdiction over the Lockerbie case.

4. Resolutions 748 and 883 increased sanctions placed on the Libyan Arab Jamahiriya

for which there should not have been any in the first place in accordance with the signed

international treaty of the Montreal Convention of 1971.

ARGUMENTS

I. The Libyan Arab Jamahiriya Is Within Jurisdiction to Try the Alleged

Terrorists

Some will say that the Libyan Arab Jamahiriya government will not prosecute

the alleged criminals fairly because of the allegations that have been made as to the involvement of the Libyan government in the terrorist attack. Let us remind the court that these

allegations are unproven and unsound, without factual basis. Also, let us emphasize that terrorism is a cell not within or tolerated by the Libyan government but an act of individualistic

violence aimed to cause terror, fear, chaos, and harm to anyone it can. The Libyan Arab Jamahiriya vehemently denies giving any assistance or being involved with this act of terrorism.

Furthermore, under the Montreal Convention our government of the Libyan Arab Jamahiriya is within full jurisdiction to prosecute criminals that reside in their country without extraditing them to Contracting States. This is supported by Article 5 Section 2 of the Montreal Convention of 1971.

In addition, may we remark on our request for the United States and the United Kingdom to aid in the prosecution of the accused and in making sure the trial is fair and just. We will strongly note that both nations **declined** in the matter and demanded that they both a) do it themselves and b.) receive reparations of monetary value. This of course makes it seem that maybe these two nations are not so worried about the fairness of trial or our right of jurisdiction but are more concerned with the defacing of the Libyan Arab Jamahiriya and its credibility along with gaining lump sums of money for their 'problems'.

II. Security Council Resolution 731 is invalid.

Resolution 731 is invalid in its attempt to apply sanctions on the Libyan Arab Jamahiriya Government because when voted upon in the Security Council the United States, United Kingdom, and France- whom of which all were in dispute with the country in question (Libyan Arab Jamahiriya), all voted. According to the United Nations Charter Chapter V Article 27 Section 3 clearly states, and I quote, “Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.” Thus ruling their votes null and void, throwing the votes askew in their favor.

III. Security Council Resolutions 748 of 1992 and 883 of 1993 are invalid as well

Evidence from previous arguments such as the validity of Libya to preside over the trial as backed by Article 5 Section 2 of the Montreal Convention of 1971 in particular along with the United States’, United Kingdom’s, and France’s biased and rule breaking votes previously on resolutions leaves one to decide that the Libyan Arab Jamahiriya has been wrongfully sanctioned.

SUMMARY FOR PRAYER AND RELIEF

Libyan Arab Jamahiriya deeply implores the court to decide in favor of our humble requests. May you find divine guidance in your decision to validify our actions to secure a fair trial of the accused and of the invalidity of Resolutions 731, 748, and 883 in accordance with both the United Nations Charter and our defense in this trial.

