



## **EDITAL NEI Nº. 04/2010**

O **NÚCLEO DE ESTUDOS INTERNACIONAIS** seleciona 8 (oito) membros para compor o grupo da Universidade de São Paulo que se preparará para a 52ª Competição Anual de Julgamento Simulado da Corte Internacional de Justiça (PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION), promovida pela INTERNATIONAL LAW STUDENTS ASSOCIATION, que ocorrerá no início de 2011.

### **1. A Competição**

1.1. A PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION consiste, sinteticamente, em uma simulação de julgamento da Corte Internacional de Justiça envolvendo um caso hipotético no âmbito do Direito Internacional Público.

1.2. A competição é realizada em duas etapas: (i) nacional/regional (data e local a serem indicados pela organização nacional), na qual é selecionada a equipe brasileira que competirá na fase internacional; e (ii) internacional, de 20 a 26 de março de 2011, em Washington, D.C..

### **2. A seleção**

2.1. A presente seleção é dirigida a alunos que tenham interesse pela pesquisa e pelo desenvolvimento de habilidades acadêmicas e profissionais na área de Direito Internacional Público.

2.2. Requisitos:

2.2.1. ser aluno vinculado ao curso de Direito da Universidade de São Paulo (Campus São Paulo e Ribeirão Preto);

2.2.2. ter disponibilidade para reuniões semanais às quartas-feiras, das 15:30 às 18h, e eventualmente aos sábados, a partir das 16:30 (os dias e horários podem ser rediscutidos posteriormente entre os selecionados e os membros atuais); e

2.2.3. ser fluente em inglês.

2.3. Para participar da seleção, os candidatos deverão se inscrever por meio do site do NEI/FDUSP (<http://nei-arcadas.org>) até o dia **19 de setembro de 2010**.

2.3.1. Uma mensagem eletrônica será enviada automaticamente confirmando o recebimento dos dados de inscrição. Esta mensagem conterá um número de inscrição, o qual deverá ser informado no envio da dissertação.

2.3.2. Só serão consideradas as dissertações enviadas pelos candidatos que houverem realizado a inscrição até o prazo estipulado neste Edital.

2.4. Os candidatos deverão apresentar uma defesa concisa dos pedidos formulados pelo país no caso fictício descrito abaixo em língua inglesa. Os requisitos formais são conforme segue: tamanho máximo de 3 (três) laudas, fonte Times New Roman, tamanho 12, espaçamento 1,5 (um e meio), com recuo de margens superior e esquerda de 3 (três) centímetros e inferior e direita de 2 (dois) centímetros.

2.4.1 Os candidatos podem requerer correções e esclarecimentos a respeito do caso até o dia **17.09.2010**.

2.4.2 A defesa deverá ser enviada até **21 de setembro**, em formato .doc, para o endereço eletrônico [p2@nei-arcadas.org](mailto:p2@nei-arcadas.org), juntamente com o número de inscrição (cf. item 2.3.1 acima).

### **3. Resultado**

3.1. O resultado da seleção será divulgado no dia **22 de setembro de 2010**, em <http://nei-arcadas.org>.



3.2. A seleção dos participantes indicará apenas os membros do grupo preparatório da USP para a 52ª PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION, que atuará no estudo de Direito Internacional Público, na análise de jurisprudência, estudo de doutrina, discussão de casos práticos, simulações internas e outras modalidades de preparação. Os 4 (quatro) oradores que participarão da competição nas etapas nacional e internacional serão definidos posteriormente, de acordo com o andamento dos estudos do grupo.

Cronograma

- 17.09.2010 - Data máxima para pedido de correções e esclarecimentos
- 19.09.2010 - Data máxima para inscrição no site <http://nei-arcadas.org>.
- 21.09.2010 - Data máxima para entrega das dissertações (enviar para [p2@nei-arcadas.org](mailto:p2@nei-arcadas.org)).
- 22.09.2010 - Divulgação dos resultados no site <http://nei-arcadas.org>.

Maiores informações sobre a Competição: <http://www.ilsa.org/jessup/index.php>  
Dúvidas: [p2@nei-arcadas.org](mailto:p2@nei-arcadas.org)



## **APÊNDICE**

### **Caso Fictício**

The Republic of Armitania is a developed country located in the continent of Minnik, having borders of approximately 1.200 km with the Republic of Ravik, an emerging country, which became independent in 1886.

Ravik and Armitania have maintained significant commercial relations, which were strengthened in 1987, when North Energetics International (NEI) started the exploitation of iron ore in the territory of Ravik. NEI is a company incorporated in Ravik with 90% of its shares owned by the State of Armitania. According to 2003 statistics, the iron industry represented 30% of Ravik's Gross Domestic Product (GDP) and NEI enjoyed the same treatment as companies of other nationalities in the territory of Ravik.

Until recently, Ravik was governed by a political line stretching back to its first years of independence, composed of a range of political parties. However, from the 1980's, their rule started facing resistance by the majority of Ravik's population. Newspapers and magazines reported that the reasons of dissatisfaction generally mentioned by the population were, among others, the decline of average income and the increase of unemployment, the consumption of illicit drugs and criminality.

In the national elections of November 2001 the central-left party named *Movimiento de la Revolución (MdR)* won the majority of seats in the national Parliament, which in its turn named Juan Medina as First Minister. In his first speech, the Minister announced that his government would proceed to a complete change in the country's administrative structure in order to make it more efficient and transparent, aiming the elimination of criminality.

However, problems relating to the administrative structure of Ravik emerged during 2003. NEI, after 16 years of continuous and relevant activity in Ravik, decided to withdraw its investments from this country. NEI's CEO alleged that Ravikian functionaries had demanded large amounts of money in exchange for issuing the environmental licenses necessary for NEI's activities. Although the representatives of the company had informed against the said functionaries, Ravik has not given notice of any proceeding concerning this issue. The problem was subjected to arbitration by the end of the same year. The arbitration was unfruitful.

In the same period, the rate of criminality rose, specially due to an increase in drug trafficking. Organized groups linked to drug trafficking grew and their influence advanced into the Armitanian border, carrying out violent attacks in some communities nearby.

On 13 February 2006, the Meeting of Minik Nations took place in the capital of Armitania. In this occasion, the President of Armitania, Ian Crawford, thus expressed his concerns:

*"The actions of Ravikian organized armed groups are an international problem and, therefore, are pertinent not only to Ravik, but also to the international community and particularly to Armitania, since they have caused serious problems along our borders"*

A long internal debate ensued. Finally, on 5 March 2006, President Crawford announced:

*"We must destroy all menace to the peace of our continent, even if we must act drastically. If such is the case, we shall not refrain from taking steps leading to the extinction of this looming evil"*



On 29 April, a number of drones (Unmanned Air Vehicles armed with short and medium range missiles) were deployed along the Armitanian border and advanced into the Ravikian territory targeting the main chiefs of drug cartels which were believed to be responsible for several attacks against Armitanian villages and confrontation with the local police near the border area. The attacks inflicted several casualties in both military personnel and civilian population. In one of the most controversial actions, a drone targeting a local drug chief, Mr. Alain Shaw, who was believed to be hiding near the chapel of St Grotius, fired two missiles against the alleged location which not only killed Mr. Shaw but also demolished the chapel. At the time of the attack a funeral was occurring in the church, and 120 people died as a result of the attack. The church itself was a middle age building in honor of a local saint very popular in Ravik, and had been recently included in the World Heritage list done by UNESCO.

Amidst the enlarging conflict between Armitania and Ravik, the two nations agreed to submit their case to the International Court of Justice.

Both countries are members of the United Nations and signatories of the United Nations Convention against Corruption, the Vienna Convention on the Law of Treaties, the 1907 4<sup>th</sup> Hague Convention on the Laws and Customs of War on Land, the 1949 4<sup>th</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, and the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I).

The Republic of Armitania requests the Court to adjudge and declare that:

- 1) The Republic of Ravik has violated the United Nations Convention against Corruption by not implementing the necessary measures to fight and prevent corruption by public officials in its territory;
- 2) The attack against Mr. Alain Shaw was in accordance with International Law.

The Republic of Ravik requests this Court to adjudge and declare that:

- 1) Ravik has not practiced any acts constituting a violation of the United Nations Convention against Corruption;
- 2) The attacks promoted by Armitania against civilians and the destruction of the St. Grotius Chapel violated International Law.

**Bibliografia recomendada:**

**1. Tratados e Estatutos**

[Statute of the International Court of Justice](#)

[Charter of the United Nations](#)

[Vienna Convention on the Law of Treaties](#)



[Draft articles on responsibility of states for internationally wrongful acts \(GA RES 56/83\)](#)

[United Nations Convention against Corruption](#)

1907 Hague [Convention \(IV\) respecting the Laws and Customs of War on Land](#)

[4<sup>TH</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.](#)

[Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts \(Protocol I\)](#)

## **2. Casos de cortes internacionais**

[Oil Platforms](#) (Islamic Republic of Iran v. United States of America), ICJ Judgement (12 December 1996)

[Military and Paramilitary Activities in and against Nicaragua](#) (Nicaragua v. United States of America), ICJ Judgement (26 November 1984)

[Armed Activities on the Territory of the Congo](#) (Democratic Republic of the Congo v. Uganda), ICJ Judgement (19 December 2005)

[Prosecutor v. Jokic \(ICTY Case nº IT 01 – 42/1\)](#) (The part relating to the attack on Dubrovnik)

## **3. Manuais para consulta**

BROWNIE, Ian. *Principles of Public International Law*. 6th edition. New York: Oxford University Press, 2003.

DINH, Nguyen Q. e PELLET, Allain. *Droit International Public*. 6ème édition. Paris: Librairie Générale Droit et Jurisprudence, 1999.

SHAW, Malcolm N. *International Law*. 5th edition. Cambridge: Cambridge University Press, 2003.