

**THE HAGUE INTERNATIONAL MOOT COURT
FOR HIGH SCHOOL STUDENTS**

The Prosecutor

v

Joseph Bombi

ACKNOWLEDGEMENTS

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INTRODUCTION LETTER

2014 International High School Moot Court Program at The Hague

Dear International Moot Court at The Hague participants,

The Justice Resource Center, Inc. (JRC), in partnership with The City Hall of the Hague, welcomes you to the 2nd International high school Moot Court competition in 2014. The International Moot Court is an outgrowth of the nationally acclaimed MENTOR: law firm/school partnership program. MENTOR, which was created in the 1980's by lawyers, pairs major law firms with New York City public high school students. The lawyers-partners and associates-help the students prepare for an appellate argument. Countless hours are spent analyzing and dissecting judicial opinions, strategizing and honing oral advocacy skills. The International Moot Court was the next step. This competition affords high school students an exceptional opportunity to argue at The Hague, to develop an in-depth knowledge of the International Criminal Court, to gain a heightened respect for international law and an opportunity to exchange ideas with students from other countries.

This year, students from 15 city/countries will compete in a multiple-round elimination competition at The Leiden University School in The Hague, with two teams emerging as the finalists. These two teams will argue their case at The Peace Palace with ICC and ICTY judges presiding.

This year's problem, written in collaboration with attorneys from The Hague and New York City, will focus on "Blood Diamonds". Students will prepare their arguments based upon the Rules of Procedure and Evidence adopted by The Assembly of States Parties for the International Criminal Court. We hope you will enjoy preparing and presenting this new case.

We are very excited to have your teams participate in the IMC 2014 at The Hague!

Debra Lesser

Sponsorship:

The Justice Resource Center, Inc. a 501©3charitable organization will assist with the fundraising efforts of each country.

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EXERCISE FEBRUARY 2014

Introduction

This exercise is intended to introduce you to the work of the International Criminal Court (ICC). In this exercise, you are given a case description involving events which happened during an internal armed conflict in a fictional country, the Republic of Euphoria. During this conflict, violations of humanitarian law were committed which were so serious that the Prosecutor of the ICC initiated a preliminary investigation.

The person who concerns you in this exercise is *Joseph Bombi*.

The case

The Republic of Euphoria ("RoE") is a state with different geological regions. In the larger fertile coastal plain that comprises the Eastern provinces live the Dolka, an ethnic tribe that makes up a significant majority of the population of Euphoria. In the interior mountains of the Western provinces, which are rich with natural resources, live the Zema. They consider themselves 'distinct' in light of their nomadic tradition and their cultural particularities. This perception is shared by the Dolka. The Zema speak the same language as the Dolka in addition to their own dialect. They also share the same religion as the Dolka, but certain animistic traditions have been incorporated into their religious ceremonies. Due to a high degree of historical intermarriage, they can hardly be distinguished in their outward physical appearance from the Dolka. The RoE is currently embroiled in an internal armed conflict between the Dolka and the Zema.

The conflict began when the Zema, upset with the exploitation of the natural resources in their local area and the uneven distribution of the proceeds among the population by the Dolka-led central government, formed the Alliance for Zema Freedom ("AZF"), which has been fighting the national armed forces of the RoE ("EAF"), predominantly composed of Dolka, to gain control over all mines located in historical Zema lands. Intense and protracted hostilities are ongoing between the EAF and the AZF and though the AZF are unable to hold much territory they are fighting an insurgency campaign.

In the Western provinces where the fighting is ongoing, the RoE Central Government has ordered all Zema civilians to remain in "Security Camps" claiming their intent is to provide protection to the civilian population in the midst of the hostilities. The Security Camps were created around the main villages of the Western Provinces with the nearby rural population required to join and remain in these Camps. The RoE has erected fences around the perimeter of the Security Camps and Zema civilians are not permitted to leave these Camps, not even to farm on local arable land or to travel between Camps. Food and water are supplied solely by the RoE Central Government, which will not allow any foreign relief agencies into these Camps

because the RoE has declared the Western provinces a "closed military area". The international community has been hearing horrific tales of mistreatment and abuse from the few who manage to escape the Security Camps. Reports of starvation, rampant disease and random killings by the armed forces guarding the Camps are provided by these survivors.

One of the few ways an individual can leave the Security Camp is to be transferred to the diamond mines in the area. Joseph Bombi, the CEO of Zokia Limited (Ltd), arranged with the RoE to exclusively operate the diamond mines in the Western provinces in return for sharing proceeds with the RoE. The foreign currency raised by the sale of the diamonds is used by the RoE to conduct international trade, especially the purchase of arms and ammunition to continue its fight with the AZF and enforce the measures imposed on the Zema population.

Mr. Bombi was born outside of the RoE and is neither Dolka, nor Zema. However his wife of 8 years is Zema.

In order to get workers for the mines, Bombi directed Zokia Ltd. to make a payment of around \$300 for each worker to the EAF officers in charge of the local Security Camps. Once transferred from the Security Camp to the mining property, a Zema worker is not permitted to leave and is assigned to work in the mines or to perform one of the various tasks needed to support the mining operation. Each worker is also assigned housing at the mine and supplied with clothing and daily meals.

Mine workers are not paid but can earn "Zokas," company credits that will allow them to purchase extra portions of food, specialized equipment for their job, and additional furnishings for their room including better beds, basic televisions and radios. Though the mining property is guarded by private contractors hired by Zokia Ltd., EAF soldiers occasionally visit the mines conducting sweeps through the workers looking for Zema affiliated with the AZF. If a Zema worker is unable to work or is a source of trouble, the worker is supposed to be transferred back to a local Security Camp, but rumours at the mine are that such workers simply disappear.

The exercise

The Republic of Euphoria is a State Party to the Statute of the International Criminal Court (ICC) since April 2010. After preliminary investigations the Prosecutor concluded that further investigations should focus on the political and military leadership of the RoE as well as Joseph Bombi, the Chief Executive Officer of Zokia Ltd. After authorisation of the Pre-Trial Chamber under article 15 of the ICC statute [see *annexes for all statutory citations*], the investigation continues and brings about more evidence of the events in 2012 and January 2013.

When on mission abroad to obscure the source of diamonds sold by Zokia Ltd., Joseph Bombi and Lucas Tati, the head of security for Zokia Ltd., are arrested and transferred to the seat of the ICC in The Hague, where they are taken into custody in the ICC detention unit. Joseph Bombi is informed that the prosecution finds that he allegedly bears individual criminal responsibility, as a perpetrator, for one count of crimes against humanity: enslavement.

The prosecution is confident that it has obtained enough evidence to bring Joseph Bombi to trial and requests the Pre-Trial Chamber to hold a confirmation hearing. When the Pre-Trial Chamber schedules a confirmation hearing under Article 61 of the ICC Statute, Joseph Bombi wishes to challenge such confirmation. At the confirmation hearing the prosecutor will have to support the charge with sufficient materials to establish substantial grounds to believe that Joseph Bombi committed the crime of enslavement. You will be participating in the confirmation hearing either as defence counsel or prosecutor. Both teams each have to prepare two arguments merit or two arguments demerit the accusation against Joseph Bombi. After both teams have argued their case, each team gets the chance to make a rebuttal argument.

Team Bombi

You will first challenge the admissibility of the case and/or jurisdiction of the Court. You will have to argue that there is no probable cause that the case will be admissible under article 17 of the Statute. Furthermore, you could argue that the Court has no jurisdiction because of various reasons you found in the given case.

Secondly, you will have to challenge the evidence presented by the Prosecution or present, within the given case, your counter evidence. You will have to try to convince the judges there is no probable cause at all and thus trying to convince the judges to decline to confirm the charge.

Team Prosecutor

First you will define the facts and circumstances that form the subject-matter of the trial. In other words, you will have to argue with the given facts that the crime of enslavement has been committed. In this argument it is not necessary for you to link the crime to Joseph Bombi, as that will be in your second argument. All legal elements of the crime of enslavement have to be met by the given facts.

Your second argument is that there is enough evidence to establish substantial grounds to believe that Joseph Bombi has committed the crime of enslavement within the jurisdiction of the Court. You will not have to prove that Joseph Bombi is guilty of the alleged crime of enslavement, but you will have to argue that there are reasonable grounds to believe that Joseph Bombi has committed the crime so that the case has enough merits to take it to a full trial.

Preparation of teams

The participants will be divided into 3-person teams that will perform one of the roles at the confirmation hearing. The prosecution and the defence team work together to prepare the arguments for the hearing. All three members of a team will present a portion of the oral argument at the hearing.

When all the roles have been decided, the teams of lawyers for the defence and prosecution will each need to decide their tactics. They should discuss what they are trying to achieve, what arguments will be the most effective, and decide who should present each argument.

The judges will be encouraged to ask questions of the lawyers during their arguments to help outline the positions of each side in the hearing and to challenge those positions to test the strength of the arguments.

The Procedure

The hearing is conducted before the Pre-Trial Chamber. The judges will sit at the front of the courtroom. The defence lawyers will sit on their right, and the prosecution lawyers on their left. The hearing will take place as follows:

The Presiding Judge will declare the proceedings open and will ask the parties to introduce their teams, first the Prosecutor and then the Defence. Each side will have three lawyers make their arguments. The first lawyer for each side will present the opening of the argument, outlining the facts they feel are relevant and the arguments their colleagues will be making on the two main issues. The opening lawyer will have 3 minutes to make this presentation.

The remaining lawyers will argue two main issues for the hearing: (1) whether the conduct described demonstrates whether or not, and on what legal grounds, charges may be brought against Joseph Bombi for crimes within the jurisdiction of the Court and (2) any procedural issues which would allow or prevent this court from bringing these charges against Joseph Bombi, including issues of admissibility and jurisdiction. Each lawyer will have 10 minutes to present their argument. Finally after both sides have presented their arguments, the lawyer who presented the opening for each side will have a 7 minute rebuttal period to address arguments made by the opposing side and reinforce their own arguments.

The lawyers in the court will address a judge as "Your Honour" at all times. Lawyers must remember that all the things they say must be addressed to the judges, and not to each other or to the lawyers on the other side.

The defence team presents its arguments followed by the arguments of the team for the prosecution. Remember, during the presentations, the judges will be encouraged to

ask questions and challenge the arguments.

General observations

The defence and prosecution teams should speak slowly and clearly, concentrate on the best points, stick to the facts and the law, give their speeches a structure (while understanding that questions from the judges may cause them to argue their points in a different from what they had planned), remember the available time, and not use insults about the other party.

The judges of the competition will have to decide which team wins. This is not simply based upon who wins the argument with the judges. The judges will be looking for structured presentations, that illustrate the following:

- debating skills and power of persuasion,
- an ability to respond effectively to questions,
- clarity in argument,
- style of presentation
- clear and confident speech.

At the end, the judges will summarise what they liked and didn't like about each teams performance.

Supportive information

Included in this packet are affidavits from a number of witnesses and participants in this case as well as unsworn statements that both sides stipulate are from the Foreign Minister of the RoE government. You may use this information as part of your argument.

Relevant extracts from the Rome Statute can be found in Annex 1 and from the Rules of Procedure and Evidence with regard to the confirmation hearing in Annex 2 and of the crimes within the jurisdiction of the ICC in Annex 3.

An earlier court case that may be relevant to the arguments in this case is included in Annex 5. Students may use arguments derived from the decision in the included case as well as from any case cited in the opinions of that case.

We encourage all lawyers to use the supportive information provided when presenting their arguments. This will allow judges as well as the opposing lawyers to generally understand the source and underlying claims of the arguments.

Outside sources should only be used if the lawyer has reason to believe that the source and its context would be generally known to the judges and opposing counsel, and the lawyer is able to articulate why the outside source should be relevant to the judges' considerations for the hearings.



Affidavit of Mr. Tim Jaison

My full name is Timothy Jaison, I am 24 years old. My family has lived in the Western Provinces of Euphoria for generations as part of the Zema tribe. My father, grandfather and great-grandfather were shepherds raising livestock including sheep and goats. Though we were nomads and didn't own any of the land, we raised our livestock through the same grazing cycle on the same group of local lands and mountains for generations and everyone knew that the land in this area was used for Jaison family livestock.

Soon after the government found diamonds and other minerals in our mountains, we were forbidden to use our family's historic grazing ground while the government brought in private developers to mine the land. After being unable to continue our family tradition of being shepherds I signed up to begin working in the mines while still a teenager, gaining skills and working in the mines until a few years ago when the fighting began. The Alliance for Zema Freedom, or AZF, began fighting against the government's confiscation of our ancestral lands and their destruction due to the mining of diamonds and minerals. What made things worse were that almost all the mineworkers were Zema and the conditions we worked in were dangerous. Even so, had our people and territory received their fair share of what these resources brought to Euphoria, we might have thought it all worth it. However, most of the money was diverted by the Central Government to the east to build infrastructure and invest in agricultural technologies for the Dolka. What finally sparked the fighting was an accident at one of the mines that killed 120 Zema workers. The mining company and the government re-opened the mine the next day and ordered everyone back to work though none of the safety issues that caused the accident were addressed. The workers refused to work and the Armed Forces of Euphoria were sent in to restore order at the mines. The workers resisted the EAF and fighting broke out all over the provinces.

When the fighting broke I ran away from the mine toward a ranch where some of my family members were attempting to raise animals. Soon the central government decreed that all Zema citizens of our province must move to a "Security Camp." They claimed that they were doing this so civilians wouldn't get caught up in the fighting but everyone knew that these were large prisons, designed to control the Zema population and prevent them from joining the resistance. The government put barbed wire fences on all sides of the camp. If a Zema was caught outside of his or her assigned camp, the EAF would assume that person was a fighter in the AZF and kill or capture them. Once captured, a swift military trial would find the person guilty of sedition and execute them on the spot. The EAF slowly gained control of most of the Eastern Provinces driving the AZF into hiding in the mountains and caves of the provinces.

But the AZF would regularly strike at the EAF and their supply lines so that the bloody conflict has continued for years to this very day.

My entire family was assigned to a security camp in a neighboring village of Wajoo. It was a nightmare of existence, fighting over and begging for scraps of food and any water we could find; living with dozens of people packed into the rooms of the village. If you were suspected of breaking any of the rules you would be beaten and I even saw people killed for taking more than their ration of bread.

When rumors began spreading through the camp that they were looking for mineworkers, soldiers from the EAF began sweeping the Security Camp, asking if anyone had experience working in the mines. Someone in my family thought it might be safer and told one of the officers that I had made my living in the mines. I was immediately escorted by the soldiers to the front of the camp without any opportunity to say goodbye to my family.

It was a separate kind of hell when we got to the Swan Mining facility owned and operated by Zokia Ltd. We were ordered to give all of our belongings to the members of the Mine's security staff. We were issued new uniforms and shoes and assigned to dormitory rooms and different jobs in the mine or related operations.

When I first got to the Swan, as we all called it, we slept four people to a room. As they built more and more housing, senior workers eventually were able to get a room of their own. I got my own room about 2 1/2 years after getting to the Swan.

As an experienced mineworker, I was assigned to dangerous exploratory work in the deepest parts of the mine. Others at the Swan were assigned different jobs as part of the processing of diamonds retrieved from the mine. There was also the entire support service structure where men and women worked in jobs helping operate the Swan doing everything from cooking and laundry to construction and maintenance. There were thousands, maybe tens of thousands, at the Swan and none of us were paid for any of the work. The Swan and its mines operated in some capacity 24 hours a day, every day except for New Year's day and Euphorian Independence Day. When the weather was dry they even operated the mines constantly, rotating the workers in 12-hour shifts. There was never a break or a day off unless you were too hurt to move.

Zokia issued me certain standard equipment so I could do my assigned job and supplied meals, which were at least much better than the food situation in the Security Camp. Though we were not given a salary, supervisors could award us credits called "Zokas" which could be used in a few different ways at the Swan.

Since my work was dangerous and I was a hard worker, I was regularly awarded Zokas by my supervisors. I used them to buy extra food at mealtime, better safety equipment that Zokia made available, but did not give out as standard issue to its workers, and eventually some comforts in my room such as a new bed mattress, radio and, finally, a TV.

Punishment at the mine ranged from taking Zokas out of our accounts, to periods in holding cells, to beatings administered by Zokia's security forces. And their security forces were always watching. They would barge into your room unannounced to search for illegal contraband or diamond smuggling. We were subject to periodic invasive personal searches when leaving the mine or anytime on shift.

Conditions at the Swan's mine were horrible. There was at least one fatal accident a week at the mine. Work barely paused to get the accident cleaned up. Zokia's security team, led by Lucas Tati, guarded the mine so no worker could leave unless it was by order of the company. Anyone who was ordered out was removed from the mine and killed somewhere outside the area so they were never heard from again.

Periodically, EAF soldiers would sweep the Swan looking for any Zema they deemed loyal to the AZF. Since the resistance was started by mineworkers, experienced mineworkers at the Swan bore the brunt of these sweeps with most getting beaten and assaulted by EAF soldiers. I myself was targeted and brutalized so that I had to spend a month at the Swan's medical center. While at the med center, a Zema laundry worker helped hide me in a secret compartment of a supply truck driven into the Swan by a member of the AZF. I escaped the Swan and with the help of a relief organization called Conflicts Watch, I escaped the country and sought asylum.

Everyone at the Swan knew Joseph Bombi as the person in charge of Zokia Ltd. and the Swan because the whole place would go into a frenzy before his visit, repairing facades and cleaning the Swan in the days before his arrival. His visits would last for a couple of days every few months. Bombi would gather the workers and give a speech explaining to us that our hard work let him keep these mines open so that we would not be sent back to the Security Camps. He would tell us that any luxury or freedom we enjoyed at the Swan would only continue if we worked even harder.

Dated: May, 15, 2013
New York, USA

/s/ Timothy Jaison
Timothy Jaison

Affidavit of Joseph Bombi

My name is Joseph Bombi and I'm the Chief Executive Officer of Zokia Ltd. When the Republic of Euphoria discovered diamonds and other valuable minerals in its Eastern Province mountains, I moved to Euphoria from abroad to begin a career at one of the mining companies. I used my experience at that company and money I had saved and began building my own mining company which eventually became Zokia Ltd.

Unfortunately, as my business grew, so did the tensions in Euphoria. It became a very hard place for a businessman to operate without understanding the kind of environment around him. While starting my business, I met one of the workers at my company's headquarters. We dated and she eventually became my wife, though she is a member of the Zema tribe.

When the fighting broke out I was afraid I would lose everything I'd built, but after government forces were able to control most of the Eastern Province, I approached the RoE government with a plan for an expanded mining operation. The financial stress of fighting the security situation allowed them to see the value of my proposal:

I would pay the government a significant share of the proceeds from the mines in exchange for exclusive mining rights in the area. The RoE agreed and asked me to become a citizen of the RoE, which I did.

During this fighting, members of my wife's ethnic tribe, the Zema, were ordered into these horrible security camps that were in a sense huge prisons built around some of the local villages. The lives of the people in the security camps were awful. Unable to leave the camp to farm or tend livestock, nor to get any sort of supplies, the Zema were dependent on their Dolka enemies for food and water and all other humanitarian supplies. Believe me, supplying the Zema was not a priority for the EAF. Because the EAF had declared the whole territory a closed military zone, Zema were unable to receive help from foreign relief workers.

I wanted to save as many Zema from this horrible fate as possible so I staffed my mining facilities with thousands and thousands of Zema workers so they would no longer have to stay in the security camps. After my initial agreement with the RoE, I still had to bribe EAF officers in order to save individual Zema from the security camps. Eventually they were demanding bribes of \$300 per worker supplied to the mining facility and as long as I had enough from my share of the diamond revenue, I could keep paying these bribes to save more people and grow the mines. As my business grew, I grew the mines and provided better facilities for these workers. It's not that we wanted to keep these workers only in the mining facility, but the government and the EAF had decreed that any person outside of the designated security camps or mines would be treated as a

member of the resistance and killed. So it was for their safety that we tried to keep our workers from leaving the mines. The truth is, we also had some interest in preventing our workers from joining the AZF and continuing the horrible fighting that was going on in the Eastern Province. And, of course, it might be possible for people leaving the mining facility to be hiding some of the diamonds or other materials from our mines, so to prevent theft, our security team would prevent all workers from leaving unless specifically authorized and after undergoing a thorough search.

Because these workers were forbidden from leaving the mine, they would have no place to spend any of the local currency. Instead of paying them in local currency we paid them with company credits that allowed them to acquire added benefits such as advanced equipment, extra supplies or food and even some luxury items for their rooms in the mine.

This was done also as a way to help our internal accounting so that workers were given these credits without having to convert the US dollars we received as revenues from our buyers abroad into local currency. Of course, we supplied every worker with housing and basic clothing and satisfied their nutritional needs to accomplish the sometimes hard and dangerous work involved in mining operations.

I know conditions in the mines may be dangerous, but those are the conditions of all such mines in that area of the world and we made additional safety equipment available when we could afford to.

Remember, in all these aspects, we were doing business with the Euphorian Government which was dealing with a severe security crisis.

In order to save the Zema from the security camps, I had to be able to operate the mines. In order to be able to operate the mines, I had to ensure expenses were low and enough income was coming in so that the central government would allow me to keep operating the mines.

I was just a businessman caught in a horrible situation and trying my best to help as many people as I could. I may not be perfect, but I was doing all I knew to do at the time.

Dated: January 6, 2013
The Hague

/s/ Joseph Bombi
Joseph Bombi

Official Transcript

Special Event

Republic of Euphoria Foreign Minister Tamlin Hanson Delivers Statement on the Arrest of Joseph Bombi and Lucas Tati Aired January 16, 2013 - 8:15 a.m. ET THIS IS A FINAL TRANSCRIPT.

LEON HANSON, CNC WORLD ANCHOR: I understand there is a press conference we are going to be going to right now. As a matter of fact, this is Tamlin Hanson, who is a Euphorian official that we have become quite familiar with over the years. We have seen him speak for the Republic of Euphoria government in various positions of late. He is currently the foreign minister during their ongoing civil war, let's go ahead and listen in.

(JOINED IN PROGRESS)

TAMLIN HANSON, EUPHORIAN FOREIGN MINISTER (through translator): These Western leaders expect our nation to bow her head in shame at their abuses of our citizens, but we will raise our chins and dare to look this enemy in the eye and declare we will fight to our last breath for the rights and sovereignty of our people.

Our vision of an independent Republic of Euphoria, which is free to trade on equal footing with other nations, has made our leaders and citizens monsters to Western governments and corporations who specialize in raping developing countries for their resources.

Once again, these corrupt powers have targeted the honorable citizens and business leaders of our republic for humiliation. They have illegally arrested Joseph Bombi and Lucas Tati, two business leaders, residents and citizens of Euphoria and deprived them of their liberty and human rights. The West's actions, as always are based in lies and deception.

Western media institutions thrive on giving Euphoria a negative image and this is in tandem with American and European foreign policy.

These supposedly "rag tag revolutionaries" according to western media reports are not a popular uprising but a well orchestrated criminal Zema movement financed by Western powers. These criminals silence Euphorian voices not only when it comes to diamonds and other natural resources, but also over the current structure of key United Nations Organisations where Western countries have employed big brother tactics to oppress and wage unconventional war on the developing world.

We have a capable justice system. We deal with all matters on our own, fairly, and based on true international norms of justice. The so-called International Criminal Court has no business interfering with our internal affairs. It must give our republic and our justice system the benefit of the doubt.

We demand the entire world to call for the immediate release of Mr. Bombi and Mr. Tati and demand apologies and compensation for the deprivation of rights and slander suffered by these outstanding citizens.

These men are now suffering as heroes of our republic and we look forward to welcoming them home as heroes in the coming weeks.

Let there be no doubt that our dedication to fight for the vision of our Republic of Euphoria and to eliminate the terrorist criminals until they beg for our mercy will never waver. In fact, it grows stronger in the face of the imperialist forces striving to destroy us.

(END)

ANNEX 1

Relevant Extracts from the Rome Statute

Article 15

Prosecutor

1. The Prosecutor may initiate investigations proprio motu on the basis of information on crimes within the jurisdiction of the Court.
2. The Prosecutor shall analyse the seriousness of the information received. For this purpose, he or she may seek additional information from States, organs of the United Nations, intergovernmental or non-governmental organizations, or other reliable sources that he or she deems appropriate, and may receive written or oral testimony at the seat of the Court.
3. If the Prosecutor concludes that there is a reasonable basis to proceed with an investigation, he or she shall submit to the Pre-Trial Chamber a request for authorization of an investigation, together with any supporting material collected. Victims may make representations to the Pre-Trial Chamber, in accordance with the Rules of Procedure and Evidence.
4. If the Pre-Trial Chamber, upon examination of the request and the supporting material, considers that there is a reasonable basis to proceed with an investigation, and that the case appears to fall within the jurisdiction of the Court, it shall authorize the commencement of the investigation, without prejudice to subsequent determinations by the Court with regard to the jurisdiction and admissibility of a case.
5. The refusal of the Pre-Trial Chamber to authorize the investigation shall not preclude the presentation of a subsequent request by the Prosecutor based on new facts or evidence regarding the same situation.
6. If, after the preliminary examination referred to in paragraphs 1 and 2, the Prosecutor concludes that the information provided does not constitute a reasonable basis for an investigation; he or she shall inform those who provided the information. This shall not preclude the Prosecutor from considering further information submitted to him or her regarding the same situation in the light of new facts or evidence.

Article 17

Issues of admissibility

1. Having regard to paragraph 10 of the Preamble and article 1, the Court shall determine that a case is inadmissible where:
 - (a) The case is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution;
 - (b) The case has been investigated by a State which has jurisdiction over it and the State has decided not to prosecute the person concerned, unless the decision resulted from the unwillingness or inability of the State genuinely to prosecute;
 - (c) The person concerned has already been tried for conduct which is the subject of the complaint, and a trial by the Court is not permitted under article 20, paragraph 3;
 - (d) The case is not of sufficient gravity to justify further action by the Court.
2. In order to determine unwillingness in a particular case, the Court shall consider, having regard to the principles of due process recognized by international law, whether one or more of the following exist, as applicable:
 - (a) The proceedings were or are being undertaken or the national decision was made for the purpose of shielding the person concerned from criminal responsibility for crimes within the jurisdiction of the Court referred to in article 5;
 - (b) There has been an unjustified delay in the proceedings which in the circumstances is inconsistent with an intent to bring the person concerned to justice;

- (c) The proceedings were not or are not being conducted independently or impartially, and they were or are being conducted in a manner which, in the circumstances, is inconsistent with an intent to bring the person concerned to justice.
3. In order to determine inability in a particular case, the Court shall consider whether, due to a total or substantial collapse or unavailability of its national judicial system, the State is unable to obtain the accused or the necessary evidence and testimony or otherwise unable to carry out its proceedings.

Article 18

Preliminary rulings regarding admissibility

1. When a situation has been referred to the Court pursuant to article 13 (a) and the Prosecutor has determined that there would be a reasonable basis to commence an investigation, or the Prosecutor initiates an investigation pursuant to articles 13 (c) and 15, the Prosecutor shall notify all States Parties and those States which, taking into account the information available, would normally exercise jurisdiction over the crimes concerned. The Prosecutor may notify such States on a confidential basis and, where the Prosecutor believes it necessary to protect persons, prevent destruction of evidence or prevent the absconding of persons, may limit the scope of the information provided to States.
2. Within one month of receipt of that notification, a State may inform the Court that it is investigating or has investigated its nationals or others within its jurisdiction with respect to criminal acts which may constitute crimes referred to in article 5 and which relate to the information provided in the notification to States. At the request of that State, the Prosecutor shall defer to the State's investigation of those persons unless the Pre-Trial Chamber, on the application of the Prosecutor, decides to authorize the investigation.
3. The Prosecutor's deferral to a State's investigation shall be open to review by the Prosecutor six months after the date of deferral or at any time when there has been a significant change of circumstances based on the State's unwillingness or inability genuinely to carry out the investigation.
4. The State concerned or the Prosecutor may appeal to the Appeals Chamber against a ruling of the Pre-Trial Chamber, in accordance with article 82. The appeal may be heard on an expedited basis.
5. When the Prosecutor has deferred an investigation in accordance with paragraph 2, the Prosecutor may request that the State concerned periodically inform the Prosecutor of the progress of its investigations and any subsequent prosecutions. States Parties shall respond to such requests without undue delay.
6. Pending a ruling by the Pre-Trial Chamber, or at any time when the Prosecutor has deferred an investigation under this article, the Prosecutor may, on an exceptional basis, seek authority from the Pre-Trial Chamber to pursue necessary investigative

Article 19

Challenges to the jurisdiction of the Court or the admissibility of a case

1. The Court shall satisfy itself that it has jurisdiction in any case brought before it. The Court may, on its own motion, determine the admissibility of a case in accordance with article 17.
2. Challenges to the admissibility of a case on the grounds referred to in article 17 or challenges to the jurisdiction of the Court may be made by:
- (a) An accused or a person for whom a warrant of arrest or a summons to appear has been issued under article 58;
 - (b) A State which has jurisdiction over a case, on the ground that it is investigating or prosecuting the case or has investigated or prosecuted; or
 - (c) A State from which acceptance of jurisdiction is required under article 12.
3. The Prosecutor may seek a ruling from the Court regarding a question of jurisdiction or admissibility. In proceedings with respect to jurisdiction or admissibility, those who have referred the situation under article 13, as well as victims, may also submit observations to the Court.

4. The admissibility of a case or the jurisdiction of the Court may be challenged only once by any person or State referred to in paragraph 2. The challenge shall take place prior to or at the commencement of the trial. In exceptional circumstances, the Court may grant leave for a challenge to be brought more than once or at a time later than the commencement of the trial. Challenges to the admissibility of a case, at the commencement of a trial, or subsequently with the leave of the Court, may be based only on article 17, paragraph 1 (c).
5. A State referred to in paragraph 2 (b) and (c) shall make a challenge at the earliest opportunity.
6. Prior to the confirmation of the charges, challenges to the admissibility of a case or challenges to the jurisdiction of the Court shall be referred to the Pre-Trial Chamber. After confirmation of the charges, they shall be referred to the Trial Chamber. Decisions with respect to jurisdiction or admissibility may be appealed to the Appeals Chamber in accordance with article 82.
7. If a challenge is made by a State referred to in paragraph 2 (b) or (c), the Prosecutor shall suspend the investigation until such time as the Court makes a determination in accordance with article 17.
8. Pending a ruling by the Court, the Prosecutor may seek authority from the Court:
 - (a) To pursue necessary investigative steps of the kind referred to in article 18, paragraph 6;
 - (b) To take a statement or testimony from a witness or complete the collection and examination of evidence which had begun prior to the making of the challenge; and
 - (c) In cooperation with the relevant States, to prevent the absconding of persons in respect of whom the Prosecutor has already requested a warrant of arrest under article 58.
9. The making of a challenge shall not affect the validity of any act performed by the Prosecutor or any order or warrant issued by the Court prior to the making of the challenge.
10. If the Court has decided that a case is inadmissible under article 17, the Prosecutor may submit a request for a review of the decision when he or she is fully satisfied that new facts have arisen which negate the basis on which the case had previously been found inadmissible under article 17.
11. If the Prosecutor, having regard to the matters referred to in article 17, defers an investigation, the Prosecutor may request that the relevant State make available to the Prosecutor information on the proceedings. That information shall, at the request of the State concerned, be confidential. If the Prosecutor thereafter decides to proceed with an investigation, he or she shall notify the State to which deferral of the proceedings has taken place.

Article 53

Initiation of an investigation

1. The Prosecutor shall, having evaluated the information made available to him or her, initiate an investigation unless he or she determines that there is no reasonable basis to proceed under this Statute. In deciding whether to initiate an investigation, the Prosecutor shall consider whether:
 - (a) The information available to the Prosecutor provides a reasonable basis to believe that a crime within the jurisdiction of the Court has been or is being committed;
 - (b) The case is or would be admissible under article 17; and
 - (c) Taking into account the gravity of the crime and the interests of victims, there are nonetheless substantial reasons to believe that an investigation would not serve the interests of justice. If the Prosecutor determines that there is no reasonable basis to proceed and his or her determination is based solely on subparagraph (c) above, he or she shall inform the Pre-Trial Chamber.
2. If, upon investigation, the Prosecutor concludes that there is not a sufficient basis for a prosecution because:
 - (a) There is not a sufficient legal or factual basis to seek a warrant or summons under article 58;
 - (b) The case is inadmissible under article 17; or
 - (c) A prosecution is not in the interests of justice, taking into account all the circumstances, including the gravity of the crime, the interests of victims and the age or infirmity of the alleged perpetrator, and his or her role in the alleged crime; the Prosecutor shall inform the Pre-Trial Chamber and the State making a referral under article 14 or the Security Council in a case under article 13, paragraph (b), of his or her conclusion and the reasons for the conclusion.

3. (a) At the request of the State making a referral under article 14 or the Security Council under article 13, paragraph (b), the Pre-Trial Chamber may review a decision of the Prosecutor under paragraph 1 or 2 not to proceed and may request the Prosecutor to reconsider that decision.
(b) In addition, the Pre-Trial Chamber may, on its own initiative, review a decision of the Prosecutor not to proceed if it is based solely on paragraph 1 (c) or 2 (c). In such a case, the decision of the Prosecutor shall be effective only if confirmed by the Pre-Trial Chamber.
4. The Prosecutor may, at any time, reconsider a decision whether to initiate an investigation or prosecution based on new facts or information.

Article 54

Duties and powers of the Prosecutor with respect to investigations

1. The Prosecutor shall:
 - (a) In order to establish the truth, extend the investigation to cover all facts and evidence relevant to an assessment of whether there is criminal responsibility under this Statute, and, in doing so, investigate incriminating and exonerating circumstances equally;
 - (b) Take appropriate measures to ensure the effective investigation and prosecution of crimes within the jurisdiction of the Court, and in doing so, respect the interests and personal circumstances of victims and witnesses, including age, gender as defined in article 7, paragraph 3, and health, and take into account the nature of the crime, in particular where it involves sexual violence, gender violence or violence against children; and
 - (c) Fully respect the rights of persons arising under this Statute.
2. The Prosecutor may conduct investigations on the territory of a State:
 - (a) In accordance with the provisions of Part 9; or
 - (b) As authorized by the Pre-Trial Chamber under article 57, paragraph 3 (d).
3. The Prosecutor may:
 - (a) Collect and examine evidence;
 - (b) Request the presence of and question persons being investigated, victims and witnesses;
 - (c) Seek the cooperation of any State or intergovernmental organization or arrangement in accordance with its respective competence and/or mandate;
 - (d) Enter into such arrangements or agreements, not inconsistent with this Statute, as may be necessary to facilitate the cooperation of a State, intergovernmental organization or person;
 - (e) Agree not to disclose, at any stage of the proceedings, documents or information that the Prosecutor obtains on the condition of confidentiality and solely for the purpose of generating new evidence, unless the provider of the information consents; and
 - (f) Take necessary measures, or request that necessary measures be taken, to ensure the confidentiality of information, the protection of any person or the preservation of evidence.

Article 57

Functions and powers of the Pre-Trial Chamber

1. Unless otherwise provided in this Statute, the Pre-Trial Chamber shall exercise its functions in accordance with the provisions of this article.
2. (a) Orders or rulings of the Pre-Trial Chamber issued under articles 15, 18, 19, 54, paragraph 2, 61, paragraph 7, and 72 must be concurred in by a majority of its judges.
(b) In all other cases, a single judge of the Pre-Trial Chamber may exercise the functions provided for in this Statute, unless otherwise provided for in the Rules of Procedure and Evidence or by a majority of the Pre-Trial Chamber.
3. In addition to its other functions under this Statute, the Pre-Trial Chamber may:
 - (a) At the request of the Prosecutor, issue such orders and warrants as may be required for the purposes of an investigation;

- (b) Upon the request of a person who has been arrested or has appeared pursuant to a summons under article 58, issue such orders, including measures such as those described in article 56, or seek such cooperation pursuant to Part 9 as may be necessary to assist the person in the preparation of his or her defence;
- (c) Where necessary, provide for the protection and privacy of victims and witnesses, the preservation of evidence, the protection of persons who have been arrested or appeared in response to a summons, and the protection of national security information;
- (d) Authorize the Prosecutor to take specific investigative steps within the territory of a State Party without having secured the cooperation of that State under Part 9 if, whenever possible having regard to the views of the State concerned, the Pre-Trial Chamber has determined in that case that the State is clearly unable to execute a request for cooperation due to the unavailability of any authority or any component of its judicial system competent to execute the request for cooperation under Part 9;
- (e) Where a warrant of arrest or a summons has been issued under article 58, and having due regard to the strength of the evidence and the rights of the parties concerned, as provided for in this Statute and the Rules of Procedure and Evidence, seek the cooperation of States pursuant to article 93, paragraph 1 (k), to take protective measures for the purpose of forfeiture, in particular for the ultimate benefit of victims.

Article 61

Confirmation of the charges before trial

1. Subject to the provisions of paragraph 2, within a reasonable time after the person's surrender or voluntary appearance before the Court, the Pre-Trial Chamber shall hold a hearing to confirm the charges on which the Prosecutor intends to seek trial. The hearing shall be held in the presence of the Prosecutor and the person charged, as well as his or her counsel.
2. The Pre-Trial Chamber may, upon request of the Prosecutor or on its own motion, hold a hearing in the absence of the person charged to confirm the charges on which the Prosecutor intends to seek trial when the person has:
 - (a) Waived his or her right to be present; or
 - (b) Fled or cannot be found and all reasonable steps have been taken to secure his or her appearance before the Court and to inform the person of the charges and that a hearing to confirm those charges will be held. In that case, the person shall be represented by counsel where the Pre-Trial Chamber determines that it is in the interests of justice.
3. Within a reasonable time before the hearing, the person shall:
 - (a) Be provided with a copy of the document containing the charges on which the Prosecutor intends to bring the person to trial; and
 - (b) Be informed of the evidence on which the Prosecutor intends to rely at the hearing. The Pre-Trial Chamber may issue orders regarding the disclosure of information for the purposes of the hearing.
4. Before the hearing, the Prosecutor may continue the investigation and may amend or withdraw any charges. The person shall be given reasonable notice before the hearing of any amendment to or withdrawal of charges. In case of a withdrawal of charges, the Prosecutor shall notify the Pre-Trial Chamber of the reasons for the withdrawal.
5. At the hearing, the Prosecutor shall support each charge with sufficient evidence to establish substantial grounds to believe that the person committed the crime charged. The Prosecutor may rely on documentary or summary evidence and need not call the witnesses expected to testify at the trial.
6. At the hearing, the person may:
 - (a) Object to the charges;
 - (b) Challenge the evidence presented by the Prosecutor; and
 - (c) Present evidence.
7. The Pre-Trial Chamber shall, on the basis of the hearing, determine whether there is sufficient evidence to establish substantial grounds to believe that the person committed each of the crimes

charged. Based on its determination, the Pre-Trial Chamber shall:

- (a) Confirm those charges in relation to which it has determined that there is sufficient evidence, and commit the person to a Trial Chamber for trial on the charges as confirmed;
- (b) Decline to confirm those charges in relation to which it has determined that there is insufficient evidence;
- (c) Adjourn the hearing and request the Prosecutor to consider:
 - (i) Providing further evidence or conducting further investigation with respect to a particular charge; or
 - (ii) Amending a charge because the evidence submitted appears to establish a different crime within the jurisdiction of the Court.

8. Where the Pre-Trial Chamber declines to confirm a charge, the Prosecutor shall not be precluded from subsequently requesting its confirmation if the request is supported by additional evidence.

9. After the charges are confirmed and before the trial has begun, the Prosecutor may, with the permission of the Pre-Trial Chamber and after notice to the accused, amend the charges. If the Prosecutor seeks to add additional charges or to substitute more serious charges, a hearing under this article to confirm those charges must be held. After commencement of the trial, the Prosecutor may, with the permission of the Trial Chamber, withdraw the charges.

10. Any warrant previously issued shall cease to have effect with respect to any charges which have not been confirmed by the Pre-Trial Chamber or which have been withdrawn by the Prosecutor.

11. Once the charges have been confirmed in accordance with this article, the Presidency shall constitute a Trial Chamber which, subject to paragraph 9 and to article 64, paragraph 4, shall be responsible for the conduct of subsequent proceedings and may exercise any function of the Pre-Trial Chamber that is relevant and capable of application in those proceedings.



ANNEX 2

Relevant Extracts from the Rules of Procedure and Evidence with regard to the confirmation of charges.

Rule 121

Proceedings before the confirmation hearing

1. A person subject to a warrant of arrest or a summons to appear under article 58 shall appear before the Pre-Trial Chamber, in the presence of the Prosecutor, promptly upon arriving at the Court. Subject to the provisions of articles 60 and 61, the person shall enjoy the rights set forth in article 67. At this first appearance, the Pre-Trial Chamber shall set the date on which it intends to hold a hearing to confirm the charges. It shall ensure that this date, and any postponements under sub-rule 7, are made public.
2. In accordance with article 61, paragraph 3, the Pre-Trial Chamber shall take the necessary decisions regarding disclosure between the Prosecutor and the person in respect of whom a warrant of arrest or a summons to appear has been issued. During disclosure:
 - (a) The person concerned may be assisted or represented by the counsel of his or her choice or by a counsel assigned to him or her;
 - (b) The Pre-Trial Chamber shall hold status conferences to ensure that disclosure takes place under satisfactory conditions. For each case, a judge of the Pre-Trial Chamber shall be appointed to organize such status conferences, on his or her own motion, or at the request of the Prosecutor or the person;
 - (c) All evidence disclosed between the Prosecutor and the person for the purposes of the confirmation hearing shall be communicated to the Pre-Trial Chamber.
3. The Prosecutor shall provide to the Pre-Trial Chamber and the person, no later than 30 days before the date of the confirmation hearing, a detailed description of the charges together with a list of the evidence which he or she intends to present at the hearing.
4. Where the Prosecutor intends to amend the charges pursuant to article 61, paragraph 4, he or she shall notify the Pre-Trial Chamber and the person no later than 15 days before the date of the hearing of the amended charges together with a list of evidence that the Prosecutor intends to bring in support of those charges at the hearing.
5. Where the Prosecutor intends to present new evidence at the hearing, he or she shall provide the Pre-Trial Chamber and the person with a list of that evidence no later than 15 days before the date of the hearing.
6. If the person intends to present evidence under article 61, paragraph 6, he or she shall provide a list of that evidence to the Pre-Trial Chamber no later than 15 days before the date of the hearing. The Pre-Trial Chamber shall transmit the list to the Prosecutor without delay. The person shall provide a list of evidence that he or she intends to present in response to any amended charges or a new list of evidence provided by the Prosecutor.
7. The Prosecutor or the person may ask the Pre-Trial Chamber to postpone the date of the confirmation hearing. The Pre-Trial Chamber may also, on its own motion, decide to postpone the hearing.
8. The Pre-Trial Chamber shall not take into consideration charges and evidence presented after the time limit, or any extension thereof, has expired.
9. The Prosecutor and the person may lodge written submissions with the Pre-Trial Chamber, on points of fact and on law, including grounds for excluding criminal responsibility set forth in article 31, paragraph 1, no later than three days before the date of the hearing. A copy of these submissions shall be transmitted immediately to the Prosecutor or the person, as the case may be.
10. The Registry shall create and maintain a full and accurate record of all proceedings before the Pre-Trial Chamber, including all documents transmitted to the Chamber pursuant to this rule. Subject to any restrictions concerning confidentiality and the protection of national security information, the record may be consulted by the Prosecutor, the person and victims or their legal representatives participating in the proceedings pursuant to rules 89 to 91.



ANNEX 3

Relevant Extracts from the Rome Statute with regard to the crimes within the jurisdiction of the ICC

Article 5

Crimes within the jurisdiction of the Court

The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:

- (a) The crime of genocide;
- (b) Crimes against humanity;
- (c) War crimes;
- (d) The crime of aggression.

Article 6

Genocide

For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article 7

Crimes against humanity

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- (f) Torture;
- (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- (i) Enforced disappearance of persons;
- (j) The crime of apartheid;
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of paragraph 1:

- (a) "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;
 - (b) "Extermination" includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;
 - (c) "Enslavement" means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;
 - (d) "Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;
 - (e) "Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;
 - (f) "Forced pregnancy" means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;
 - (g) "Persecution" means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;
 - (h) "The crime of apartheid" means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;
 - (i) "Enforced disappearance of persons" means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.
3. For the purpose of this Statute, it is understood that the term "gender" refers to the two sexes, male and female, within the context of society. The term "gender" does not indicate any meaning different from the above.

Article 8

War crimes

1. The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.
2. For the purpose of this Statute, "war crimes" means:
 - (a) Grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:
 - (i) Wilful killing;
 - (ii) Torture or inhuman treatment, including biological experiments;
 - (iii) Wilfully causing great suffering, or serious injury to body or health;
 - (iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
 - (v) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
 - (vi) Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
 - (vii) Unlawful deportation or transfer or unlawful confinement;
 - (viii) Taking of hostages.
 - (b) Other serious violations of the laws and customs applicable in international armed conflict, within

the established framework of international law, namely, any of the following acts:

- (i) Intentionally directing attacks against the civilian population as such or against individual Civilians not taking direct part in hostilities;
- (ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;
- (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
- (iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
- (v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;
- (vi) Killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;
- (vii) Making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;
- (viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;
- (ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- (x) Subjecting persons who are in the power of an adverse party to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;
- (xi) Killing or wounding treacherously individuals belonging to the hostile nation or army;
- (xii) Declaring that no quarter will be given;
- (xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;
- (xiv) Declaring abolished, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;
- (xv) Compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;
- (xvi) Pillaging a town or place, even when taken by assault;
- (xvii) Employing poison or poisoned weapons;
- (xviii) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
- (xix) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions;
- (xx) Employing weapons, projectiles and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate in violation of the international law of armed conflict, provided that such weapons, projectiles and material and methods of warfare are the subject of a comprehensive prohibition and are included in an annex to this Statute, by an amendment in accordance with the relevant provisions set forth in articles 121 and 123;
- (xxi) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
- (xxii) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, or any other form of sexual violence also constituting a

- grave breach of the Geneva Conventions;
 - (xxiii) Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
 - (xxiv) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
 - (xxv) Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;
 - (xxvi) Conscription or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities.
- (c) In the case of an armed conflict not of an international character, serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause:
- (i) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - (ii) Committing outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (iii) Taking of hostages;
 - (iv) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.
- (d) Paragraph 2 (c) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature.
- (e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:
- (i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
 - (ii) Intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
 - (iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;
 - (iv) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
 - (v) Pillaging a town or place, even when taken by assault;
 - (vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 common to the four Geneva Conventions;
 - (vii) Conscription or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities;
 - (viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - (ix) Killing or wounding treacherously a combatant adversary;
 - (x) Declaring that no quarter will be given;
 - (xi) Subjecting persons who are in the power of another party to the conflict to physical mutilation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which

- cause death to or seriously endanger the health of such person or persons;
- (xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;
 - (xiii) Employing poison or poisoned weapons;
 - (xiv) Employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
 - (xv) Employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions.
- (f) Paragraph 2 (e) applies to armed conflicts not of an international character and thus does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature. It applies to armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups.
3. Nothing in paragraph 2 (c) and (e) shall affect the responsibility of a Government to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means.

Article 8 bis

Crime of aggression

1. For the purpose of this Statute, “crime of aggression” means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations.
2. For the purpose of paragraph 1, “act of aggression” means the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations. Any of the following acts, regardless of a declaration of war, shall, in accordance with United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974, qualify as an act of aggression:
- (a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;
 - (b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;
 - (c) The blockade of the ports or coasts of a State by the armed forces of another State;
 - (d) An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
 - (e) The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
 - (f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;
 - (g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.



ANNEX 4

Selected Portions of Elements of Crimes, Published by the International Criminal Court

Elements of Crimes*, **

* Explanatory note: The structure of the elements of the crimes of genocide, crimes against humanity and war crimes follows the structure of the corresponding provisions of articles 6, 7 and 8 of the Rome Statute. Some paragraphs of those articles of the Rome Statute list multiple crimes. In those instances, the elements of crimes appear in separate paragraphs which correspond to each of those crimes to facilitate the identification of the respective elements.

** The Elements of Crimes are reproduced from the *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (United Nations publication, Sales No. E.03.V.2 and corrigendum), part II.B. The Elements of Crimes adopted at the 2010 Review Conference are replicated from the *Official Records of the Review Conference of the Rome Statute of the International Criminal Court, Kampala, 31 May -11 June 2010* (International Criminal Court publication, RC/11) .



ANNEX 5

A link to and copy of The Queen v Tang

This case is not a case in the ICC. However, there may be arguments in the opinions of this case that are relevant to arguments you might want to make. In addition, all cases referenced or cited in the opinions of this case are part of the supportive information that you may use to make your arguments.

Link: <http://www.austlii.edu.au/au/cases/cth/HCA/2008/39.html>



ANNEX 6

Frequently Asked Questions about the International Criminal Court

Available at: http://www.icc-cpi.int/en_menus/icc/about%20the%20court/frequently%20asked%20questions/pages/faq.aspx

What is the International Criminal Court?

The International Criminal Court ("the ICC" or "the Court") is a permanent international court established to investigate, prosecute and try individuals accused of committing the most serious crimes of concern to the international community as a whole, namely the crime of genocide, crimes against humanity, war crimes and the crime of aggression.

Why was the ICC established?

Some of the most heinous crimes were committed during the conflicts which marked the twentieth century. Unfortunately, many of these violations of international law have remained unpunished. The Nuremberg and Tokyo tribunals were established in the wake of the Second World War. In 1948, when the Convention on the Prevention and Punishment of the Crime of Genocide was adopted, the United Nations General Assembly recognised the need for a permanent international court to deal with the kinds of atrocities which had just been perpetrated.

The idea of a system of international criminal justice re-emerged after the end of the Cold War. However, while negotiations on the ICC Statute were underway at the United Nations, the world was witnessing the commission of heinous crimes in the territory of the former Yugoslavia and in Rwanda. In response to these atrocities, the United Nations Security Council established an *ad hoc* tribunal for each of these situations.

These events undoubtedly had a most significant impact on the decision to convene the conference which established the ICC in Rome in the summer of 1998.

What is the Rome Statute?

On 17 July 1998, a conference of 160 States established the first treaty-based permanent international criminal court. The treaty adopted during that conference is known as the *Rome Statute of the International Criminal Court*. Among other things, it sets out the crimes falling within the jurisdiction of the ICC, the rules of procedure and the mechanisms for States to cooperate with the ICC. The countries which have accepted these rules are known as States Parties and are represented in the Assembly of States Parties.

The Assembly of States Parties, which meets at least once a year, sets the general policies for the administration of the Court and reviews its activities. During those meetings, the States Parties review the activities of the working groups established by the States and any other issues relevant to the ICC, discuss new projects and adopt the

ICC's annual budget.

How many countries have ratified the Rome Statute?

As of 1 July 2012, 122 countries are States Parties to the Rome Statute. Of these, 34 are from Africa, 18 from Asia-Pacific, 18 from Eastern Europe, 26 from Latin America and the Caribbean and 25 from Western European and North America.

Where is the seat of the Court?

The seat of the Court is in The Hague in the Netherlands. The Rome Statute provides that the Court may sit elsewhere whenever the judges consider it desirable. The Court has also set up offices in the areas where it is conducting investigations.

How is the Court funded?

The Court is funded by contributions from the States Parties and by voluntary contributions from governments, international organisations, individuals, corporations and other entities.

How does the ICC differ from other courts?

The ICC is a permanent autonomous court, whereas the *ad hoc* tribunals for the former Yugoslavia and Rwanda, as well as other similar courts established within the framework of the United Nations to deal with specific situations only have a limited mandate and jurisdiction. The ICC, which tries individuals, is also different from the International Court of Justice, which is the principal judicial organ of the United Nations for the settlement of disputes between States. The *ad hoc* tribunal for the former Yugoslavia and the International Court of Justice also have their seats in The Hague.

Is the ICC an office or agency of the United Nations?

No. The ICC is an independent body whose mission is to try individuals for crimes within its jurisdiction without the need for a special mandate from the United Nations. On 4 October 2004, the ICC and the United Nations signed an agreement governing their institutional relationship.

Is the ICC meant to replace national courts?

No. The ICC does not replace national criminal justice systems; rather, it complements them. It can investigate and, where warranted, prosecute and try individuals only if the State concerned does not, cannot or is unwilling genuinely to do so. This might occur where proceedings are unduly delayed or are intended to shield individuals from their criminal responsibility. This is known as the principle of complementarity, under which priority is given to national systems. States retain primary responsibility for trying the perpetrators of the most serious of crimes.

Which crimes fall within the jurisdiction of the ICC?

The mandate of the Court is to try individuals rather than States, and to hold such persons accountable for the most serious crimes of concern to the international

community as a whole, namely the crime of genocide, war crimes, crimes against humanity, and the crime of aggression, when the conditions for the exercise of the Court's jurisdiction over the latter are fulfilled.

What is genocide?

According to the Rome Statute, "genocide" means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group:

- killing members of the group;
- causing serious bodily or mental harm to members of the group;
- deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- imposing measures intended to prevent births within the group;
- forcibly transferring children of the group to another group.

What are crimes against humanity?

"Crimes against humanity" include any of the following acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- murder;
- extermination;
- enslavement;
- deportation or forcible transfer of population;
- imprisonment;
- torture;
- rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- persecution against an identifiable group on political, racial, national, ethnic, cultural, religious or gender grounds;
- enforced disappearance of persons;
- the crime of apartheid;
- other inhumane acts of a similar character intentionally causing great suffering or serious bodily or mental injury.

What are war crimes?

"War crimes" include grave breaches of the Geneva Conventions and other serious violations of the laws and customs applicable in international armed conflict and in conflicts "not of an international character" listed in the Rome Statute, when they are committed as part of a plan or policy or on a large scale. These prohibited acts include:

- murder;
- mutilation, cruel treatment and torture;
- taking of hostages;

- intentionally directing attacks against the civilian population;
- intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historical monuments or hospitals;
- pillaging;
- rape, sexual slavery, forced pregnancy or any other form of sexual violence;
- conscripting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities.

What is a crime of aggression?

As adopted by the Assembly of States Parties during the Review Conference of the Rome Statute, held in Kampala (Uganda) between 31 June and 11 May 2010, a "crime of aggression" means the planning, preparation, initiation or execution of an act of using armed force by a State against the sovereignty, territorial integrity or political independence of another State.

The act of aggression includes, among other things, invasion, military occupation, and annexation by the use of force, blockade of the ports or coasts, if it is considered being, by its character, gravity and scale, a manifest violation of the Charter of the United Nations.

The perpetrator of the act of aggression is a person who is in a position effectively to exercise control over or to direct the political or military action of a State.

When will the Court have jurisdiction over the crime of aggression?

The Court may exercise jurisdiction over the crime of aggression, subject to a decision to be taken after 1 January 2017 by a two-thirds majority of States Parties and subject to the ratification of the amendment concerning this crime by at least 30 States Parties.

Can the ICC deal with terrorist acts within its existing jurisdiction?

The ICC has jurisdiction over genocide, crimes against humanity and war crimes. The ICC may be able to prosecute terrorist acts only if they fall within these categories.

How do cases come before the Court?

Any State Party to the Rome Statute can request the Prosecutor to carry out an investigation. A State not party to the Statute can also accept the jurisdiction of the ICC with respect to crimes committed in its territory or by one of its nationals, and request the Prosecutor to carry out an investigation. The United Nations Security Council may also refer a situation to the Court.

Can the Prosecutor decide on his own initiative to open an investigation?

Yes, if the Office of the Prosecutor receives reliable information about crimes involving nationals of a State Party or of a State which has accepted the jurisdiction of the ICC, or about crimes committed in the territory of such a State, and concludes that there is a reasonable basis to proceed with an investigation. Such information can be provided by

individuals, intergovernmental or non-governmental organisations, or any other reliable sources. The Prosecutor must, however, obtain the permission of the judges of the Pre-Trial Chamber before initiating an investigation under such circumstances. For example, on 26 November 2009, the Prosecution sought authorisation to open an investigation with regard to the post-election violence in Kenya. Pre-Chamber II granted the Prosecutor's request on 31 March 2010.

How many investigations are ongoing and where?

The Office of the Prosecutor is currently conducting investigations on crimes allegedly committed in eight states: Sudan (for the situation in Darfur), the Democratic Republic of the Congo, Uganda, the Central African Republic, Kenya, Libya, Côte d'Ivoire and Mali.

In addition, the Office of the Prosecutor is currently conducting preliminary analysis in eight situations: Afghanistan, Colombia, the Republic of Korea, Georgia, Guinea, Honduras, Nigeria and Palestine.

Will the ICC prosecute all persons suspected of committing the most serious crimes?

No. The Court will not be able to bring to justice every person suspected of committing crimes of concern to the international community. The prosecutorial policy of the Office of the Prosecutor is to focus its investigations and prosecutions on those who, having regard to the evidence gathered, bear the greatest responsibility for such crimes.

Can other courts try the perpetrators that the ICC does not prosecute?

Under the principle of complementarity, national judicial systems retain their responsibility for trying perpetrators of crimes.

Does the ICC have the power to arrest suspects?

The Court does not have its own police force. Accordingly, it relies on State cooperation, which is essential to the arrest and surrender of suspects.

According to the Rome Statute, States Parties shall cooperate fully with the Court in its investigation and prosecution of crimes within the jurisdiction of the Court.

Who has to execute the warrants of arrest?

The responsibility to enforce warrants of arrest in all cases remains with States. In establishing the ICC, the States set up a system based on two pillars. The Court itself is the judicial pillar. The operational pillar belongs to States, including the enforcement of Court's orders.

States Parties to the Rome Statute have a legal obligation to cooperate fully with the ICC. When a State Party fails to comply with a request to cooperate, the Court may make a finding to that effect and refer the matter for further action to the Assembly of States Parties.

When the Court's jurisdiction is triggered by the Security Council, the duty to cooperate extends to all UN Member States, regardless of whether or not they are a Party to the Statute. The crimes within the jurisdiction of the Court are the gravest crimes known to humanity and as provided for by article 29 of the Statute they shall not be subject to any statute of limitations. Warrants of arrest are lifetime orders and therefore individuals still at large will sooner or later face the Court.

What are the conditions of detention at the Detention Centre in The Hague?

The ICC Detention Centre operates in conformity with the highest international human rights standards for the treatment of detainees, such as the United Nations Standard Minimum Rules. An independent inspecting authority conducts regular and unannounced inspections of the Centre in order to examine how detainees are being held and treated.

At the ICC Detention Centre, the daily schedule affords the detainees the opportunity to take walks in the courtyard, to exercise, receive medical care, to take part in manual activities and to have access to the facilities at their disposal for the preparation of their defence. Additionally, the centre has multimedia facilities and offers a series of training, leisure and sports programmes. ICC detainees also have access to computers, TV, books and magazines. Those who are indigent have the right to call their Defence Counsel free of charge during official working hours. Each 10m² cell is designed to hold one person only. A standard cell contains a bed, desk, shelving, a cupboard, toilet, hand basin, TV and an intercom system to contact the guards when the cell is locked.

The Court provides three meals per day, but the detainees also have access to a communal kitchen if they wish to cook. A shopping list is also available to detainees so that they can procure additional items, to the extent possible.

All detainees may be visited by their families several times a year and, in the case of detainees declared indigent, at the Court's expense, to the extent possible.

Persons convicted of crimes under the jurisdiction of the ICC do not serve their sentence at the ICC Detention Centre in The Hague as the facility is not designed for long-term imprisonment. Convicted persons are therefore transferred to a prison outside The Netherlands, in a State designated by the Court from a list of States which have indicated their willingness to allow convicted persons to serve their sentence there.

What penalties may be imposed by the Court?

The judges may impose a prison sentence, to which may be added a fine or forfeiture of the proceeds, property and assets derived directly or indirectly from the crime committed. The Court cannot impose a death sentence. The maximum sentence is 30 years. However, in extreme cases, the Court may impose a term of life imprisonment.

Where are the sentences served?

Convicted persons serve their prison sentences in a State designated by the Court from a list of States which have indicated to the Court their willingness to accept convicted

persons.

The conditions of imprisonment are governed by the laws of the State of enforcement and must be consistent with widely accepted international treaty standards governing the treatment of prisoners. Such conditions may not be more or less favourable than those available to prisoners convicted of similar offences in the State of enforcement.

What is the role of the Trust Fund for Victims?

The Rome Statute created two independent institutions: the International Criminal Court and the Trust Fund for Victims.

While it is impossible to fully undo the harm caused by genocide, war crimes, crimes against humanity and the crime of aggression, it is possible to help survivors, in particular, the most vulnerable among them, rebuild their lives and regain their dignity and status as fully-functioning members of their societies.

The Trust Fund for Victims advocates for victims and mobilises individuals, institutions with resources, and the goodwill of those in power for the benefit of victims and their communities. It funds or sets up innovative projects to meet victims' physical, material, or psychological needs. It may also directly undertake activities as and when requested by the Court.

The Trust Fund for Victims can act for the benefit of victims of crimes, regardless of whether there is a conviction by the ICC. It cooperates with the Court to avoid any interference with ongoing legal proceedings.



Scoresheets

**2014 High School International Moot Court at The Hague
Oral Argument Score Sheet**

Prosecution

Team Number: _____

Date: _____

Time of round (circle one): **9:30 am** **11:30 am** **2:30 pm**

Point Distribution Per Oralist Per Scoring Category:				
1-3 Poor	4--5 Ineffective	6-7 Fair	8-9 Good	10 Excellent

<u>Scoring Categories</u>	Prosecution Oralist #1 Name: _____	Prosecution Oralist #2 Name: _____	Prosecution Oralist #3 Name: _____
Debating Skills and Power of Persuasion	(1-10 points)	(1-10 points)	(1-10 points)
Ability to Respond Effectively to Questions	(1-10 points)	(1-10 points)	(1-10 points)
Knowledge of the Case (facts and law)	(1-10 points)	(1-10 points)	(1-10 points)
Clarity of Argument	(1-10 points)	(1-10 points)	(1-10 points)
Style of Presentation	(1-10 points)	(1-10 points)	(1-10 points)
<u>Total score per Oralist</u>			
Lowest score is 5 (per student) Highest score is 50 (per student) Overall Team Score (Tiebreaker): _____ (1 point)			

Printed name of Judge: _____ **Date:** _____

Signature of Judge: _____ **Room** _____

**2014 High School International Moot Court at The Hague
Oral Argument Score Sheet**

Defense

Team Number: _____

Date: _____

Time of round (circle one): **9:30 am** **11:30 am** **2:30 pm**

Point Distribution Per Oralist Per Scoring Category:				
1-3 Poor	4--5 Ineffective	6-7 Fair	8-9 Good	10 Excellent

<u>Scoring Categories</u>	Prosecution Oralist #1 Name: _____	Prosecution Oralist #2 Name: _____	Prosecution Oralist #3 Name: _____
Debating Skills and Power of Persuasion	(1-10 points)	(1-10 points)	(1-10 points)
Ability to Respond Effectively to Questions	(1-10 points)	(1-10 points)	(1-10 points)
Knowledge of the Case (facts and law)	(1-10 points)	(1-10 points)	(1-10 points)
Clarity of Argument	(1-10 points)	(1-10 points)	(1-10 points)
Style of Presentation	(1-10 points)	(1-10 points)	(1-10 points)
<u>Total score per Oralist</u>			
Lowest score is 5 (per student) Highest score is 50 (per student) Overall Team Score (Tiebreaker): _____ (1 point)			

Printed name of Judge: _____ **Date:** _____

Signature of Judge: _____ **Room** _____



Scoring Sheet for the Judges for the Best Oralist Award 2014

- Excellent 10 points;
- Good 8-9 points;
- Fair 6-7 points

Please name the two **Best Oralists** per session:

(One decision per panel, not per Judge!)

1. Name: _____ Team #: _____ Points: _____

Side argued (P or D) _____

2. Name: _____ Team #: _____ Points: _____

Side argued (P or D) _____

Please complete:

Time of round (circle one): 9:30 am 11:30 am 2:30 pm

Court room: _____

Signature (*President of the Judges Panel*): _____

Date: _____

Please give this form to the Time Keeper.

Thank you.