

Federation of Trade Unions of Belarus

Education Establishment of the Federation of Trade Unions of
Belarus “International University “MITSO”



CASE
INTERNATIONAL CONTEST
«NUREMBERG TRIAL
AND MODERN INTERNATIONAL LAW»

Minsk 2023

This is a fictitious case supposedly reviewed in International Criminal Court (hereinafter referred to as ICC). In accordance with the Contest rules, the teams are to represent the prosecution and the defence.

The teams should prepare two written and oral standpoints prior to the ICC session. Both the written and the oral standpoints must reflect all the issues relevant to the case. Both sides possess the right to widen the scope of requirements listed in the case.

According to the Contest rules, the written standpoints are to be submitted no later than November 5, 2023. Oral hearings are scheduled for November 21-24, 2023, Belarus, Minsk.

1. Askithenna and Ristern – were the two developed countries forming the United Kingdom of Viscrona (hereinafter referred to as Viscrona) in 1927. During the whole of its existence Viscrona remained a rich country owing to the export of natural resources of which oil constituted 70%.
2. In 2019-2021, on the territory of Viscrona a civil war for independence took place. The participants of the conflict were the Anti-Monarchist People's Army (from Askithenna side) and the King's Guard (from Ristern side). During the whole duration of the civil war the arms were supplied to the Anti-Monarchist People's Army by the Republic of Crostan (hereinafter referred to as Crostan) sharing the border with Viscrona. The war resulted in dissolution of Viscrona. As a result the Democratic Republic of Askithenna (hereinafter referred to as the Republic of Askithenna/Askithenna) and the Kingdom of Ristern (hereinafter referred to as the Kingdom of Ristern/Ristern) were formed.
3. Ristern, becoming the direct successor of Viscrona, has undertaken all obligations by all treaties signed previously by Viscrona, as well as those under the ICC's Rome Statute of 1998 signed in 2006.
4. After the dissolution of Viscrona, Askithenna and Ristern failed to reach the agreement on the new borderlines. According to the provision of a treaty "On Establishing State Borderlines between Askithenna and Ristern" of 1860 the land-border between Askithenna and Ristern runs through the riverbed of the river Falvik. For the last 161 years the river-bed has been gradually shifting for approximately 356 square kilometers into the territory of Ristern.

5. Askithenna was insisting on delimitation according to the position of the new river-bed, and Ristern was insisting on the old positioning. No country was willing to concede, since the disputed territory held the oil deposits. Therefore, after the dissolution of Viscrona those deposits found themselves on the territory of Askithenna leading to the economic crisis in Ristern.
6. The uncertainty in terms of delimitation remained for a year, with each day the already strained situation between the states growing tenser. On March 13, 2022, the government of Ristern made a final decision on starting the military campaign on the territory of Aksithenna with an aim of capturing the oil refinery in the city of Distan to prevent the economic crisis. In his statement on the beginning of the military campaign the King of Ristern said the following:

“Dear subjects of the Kingdom of Ristern! I, the King Jahar the First of my Line, in a view of a high probability of economic crisis in our country caused by unlawful division of the formerly great Kingdom of Viscrona and with an aim to support the status of the successor of the Great Empire, decided to begin the military campaign to lawfully return our territories and to restore the legal equity guaranteed to us by international agreements!”

7. While the military forces of Ristern were advancing towards the city of Distan, the urban community Sadyik and the village of Memar with the total population of 112,000 people became occupied by them.
8. The advance into the territory of Askithenna was accompanied by severe fighting causing great concern within the Global Community, for instance, in the United Nations Organization (UN), with the fate of the population of the occupied settlements. Again the concern was further stirred by the information gathered from independent media military journalists regarding the cases of the civil population houses being raided by men in military uniforms leaving the people without means for survival; also in case of resistance to the military locals being beaten and tortured.
9. In connection with the aforementioned statements, the UN called upon the ICC to conduct an investigation of possible war crimes and crimes against the humanity, which include, according to the resolution number 127, include the

slaughter of the civilians, rape, torture, the disappearance of the Askithenna politicians, and other acts.

10. On April 2, 2022, the city of Distan was taken under control by the Armed Forces of Ristern. Askithenna foresaw the seizure of the city having evacuated both the civilians and the refinery staff together with a share of oil resource. Having considered the high probability of the staff evacuation into the adjacent areas of Askithenna the military command of Ristern decided to send the special detachments for capturing and recruiting of the evacuated staff.
11. On April 15, 2022, 56 discovered members of staff from 130 were returned to the refinery. According to the information collected by the Interior Ministry of Askithenna from the wife of one of the enlisted staff members, her husband was offered profitable terms of cooperation and decided to return to the refinery.
12. By the agreement between the governments of Askithenna and Ristern, on April 23, 2022, humanitarian corridors were organized for transferring the civil population from occupied settlements onto the territory of Askithenna. According the non-governmental organization Human Rights Ear, during a month since the opening of the humanitarian corridors more than 8,000 citizens were evacuated to Askithenna.
13. On 29/30 May 2022 at night during the transfer of 400 people to the territory of Askithenna through the humanitarian corridor a missile attack was launched, which resulted in deaths of 378 people, of which 70 belonged to the armed forces of both states.
14. In the morning of May 30, 2022, the president of Askithenna made an official statement, in which he said:

“Dear citizens! With a great sorrow, I inform you that last night the Armed Forces of Ristern launched a missile attack on a humanitarian corridor claiming 378 innocent lives. This is an unhealable wound for Askithenna and its future generations. Therefore the government of Askithenna asks the Global Community to look into the situation and punish those responsible for such crimes against humanity and security”.

15. In response to the statement by the president of Askithenna, the King of Ristern made his own statement in which he declared the following for the people of Ristern and the population of the occupied territories:

“Dear subjects of the Kingdom of Ristern! I, the King Jahar the First of my Line, in a view of unjust accusation of the government of Askithenna and a supposed nighttime missile attack on a humanitarian corridor by the armed Forces of Askithenna, made a decision to discontinue the humanitarian corridors and to send all those loyal to the government of Askithenna into reservations to exclude the possibility of disseminating disinformation on those responsible for the missile attack and to prevent the spreading of radical ideas aimed at undermining the Throne and the Country!”

16. Since June 1, 2022 there has begun a mass relocation of the population of the occupied settlements into reservation. At the same time there has begun a persecution of citizens loyal to the Askithenna government, as well as those disseminating disinformation on the missile attack on the night of 29/30 May 2022.
17. According to the Human Rights Ear, as of June 15, 2022, the reservations have accommodated from 31,000 to 33,000 people. The prisons in Ristern held from 5,000 to 6,000 people detained for political reasons and for disinformation cases.
18. The policy of the Kingdom of Ristern implemented on the occupied territory led to the emergence of radical groups opposed to the monarch’s family. In a short space of time, the militants belonging to groups were seen pillaging private houses disguised as the King’s Guard.
19. Numerous cases of detention and relocation into reservations led to the diminishing of workforce on occupied territories. Simultaneously, Ristern also experienced the issues with providing the occupied territories with provisions necessary to sustain the everyday lives of civil population creating the threat of humanitarian crisis there.
20. The reasons stated above added to the growth of escape attempts by local civil population of the occupied territories into the territory of the Republic of

Askithenna. The citizens who managed to escape informed the authorities of Askithenna of the oncoming humanitarian crisis. In view of this information, the authorities made a decision to provide humanitarian aid through the mediation of the neutral party, namely the Republic of Crostan.

21. On July 20, 2022, the government of Askithenna and Crostan agreed on the humanitarian aid for the residents of the occupied territories. The date of the first shipment was set on August 1, 2022. The Kingdom of Ristern was noticed in advance about the humanitarian aid and its transit through the military checkpoints by the government of Askithenna.
22. To reach the official approval, Askithenna sent to the government of Ristern the Agreement “On the provision of the humanitarian aid on the territory of the occupied settlements”, of July 22, 2022. Parties of the agreement were the Democratic Republic of Askithenna identified as a sender and the Kingdom of Ristern identified and a recipient. The Kingdom of Ristern shortly signed the Agreement and, having noticed its armed forces, prepared the military checkpoints, providing them with the necessary equipment to receive humanitarian aid.
23. On August 1, 2022, the negotiated humanitarian aid arrived at the military checkpoint of Ristern. During the inspection of the accompanying documents, the military forces of Ristern discovered that the sender of the humanitarian aid is not the Republic of Askithenna, but the Republic of Crostan. The trucks were stopped due to the necessity of checking the new information with the government of the Kingdom of Ristern.
24. On August 3, 2022, after a thorough inspection of the accompanying documents on the humanitarian aid, as well as identifying the accompanying trucks as belonging to Crostan, the government of Ristern decided to deny the passage of the humanitarian aid through the military checkpoint. In its official rejection, sent to the government of Askithenna on August 6, 2022, the government of Ristern provided the following grounds:

“Due to the identified ownership of the trucks, as well as the humanitarian aid, attached to them, to the Republic of Crostan, we decided to deny the passage of the humanitarian aid through the military checkpoint. We also

decided to cease the validity of the Agreement “On the provision of the humanitarian aid on the territory of the occupied settlements”. The decision is based on the fact, that during the war of 2019-2021, the Republic of Crostan played the role of a constant supplier of weapons to the National army of the monarchy opponents. On the basis of this information we have to send the humanitarian aid to the country of departure and inform that the cooperation with the Republic of Askithenna on the question of the humanitarian aid will be completely ceased starting from the date of this announcement, in order to exclude the formation of the rebel squads on the occupied territories.”

25. The rejection to receive the humanitarian aid provoked the beginning of the humanitarian crisis on the territory of occupied settlements. Above all it affected the children of the orphanages in the city of Distan and the urban community of Sadyik.
26. Having understood the severity of the situation with the orphans, which were dependent from the state, the government of Ristern urgently decided to evacuate the latter to the territory of the capital of the Kingdom of Ristern, in the city of Grand-Mont.
27. In its conclusion № CRC/C/177 of August 20, 2022, The UN Committee on the Rights of the Child pointed that as on August 17, 2022, 286 orphans were taken out from the territory of the occupied settlements. The Committee also expressed the deep concern at the present situation, for the orphans, being the citizens of the Republic of Askithenna, had been taken out to the Kingdom of Ristern.
28. On August 25, 2022 the representative of the Republic of Askithenna, on the basis of the conclusion № CRC/C/177, delivered a speech at the meeting of the General Assembly of the United Nations:

“The government of the Democratic Republic of Askithenna is concerned with the fate of the orphans, located on the territories of the city of Distan and the urban community of Sadyik, occupied by the Kingdom of Ristern, which were illegally taken out to the territory of the Kingdom of Ristern. The government of the Democratic Republic of Askithenna encourages

the Global community to unite and to participate in returning the orphans to their motherland, as well as to introduce sanctions to the Kingdom of Ristern. In the view of Askithenna the removal of the orphans from the occupied territories must be treated as the act of genocide, in accordance with the Rome Statute of the International Criminal Court (1998). The reason why the orphans haven't been passed to Askithenna yet remains unsolved."

29. The representative of the Kingdom of Ristern, being accused of committing crimes by the representative of Askithenna, delivered a short speech in response:

"Natorum vitas magis quam aliqua praecepta".

30. The never-ending bloody battles of the armed forces of Askithenna and Ristern, which didn't help to achieve any results, reduced the opportunity to return the occupied territories in the view of Askithenna. In its turn, the government of Ristern doubted its ability to supply the occupied communities with all necessary to provide the adequate standards of living, which also aggravated the humanitarian crisis on these territories. The increasing doubts of two governments led to the beginning of the discussions of the peaceful way to solve the military conflict.
31. On November 1, 2022, the delegations of Askithenna and Ristern met at the negotiating table on the neutral territory in the city of Juadiff of the Astanian Republic to discuss the project of the Agreement "On the cessation of hostilities between the Democratic Republic of Askithenna and the Kingdom of Ristern".
32. On November 7, 2022 the delegations of Askithenna and Ristern signed the Agreement "On the cessation of hostilities between the Democratic Republic of Askithenna and the Kingdom of Ristern", of November 7, 2022, in which the parties approved the ceasefire, the return of the occupied territories to the Democratic Republic of Askithenna, as well as the distribution of the profit, received from the export of the oil resources in equal parts, between Askithenna and Ristern.

33. In the evening of November 7, 2022, the delegation of Ristern took the signed agreement, got in the car and, accompanied by the armed security, which consisted of the royal guard, left in an unknown direction.

34. On November 9, 2022 at 21:00 a video message to the citizens of the Kingdom of Ristern appeared on the official page of the head of the Ristern delegation, Richard White, in the social network Twitter. In this message the following declaration was made:

“Dear subjects of the Kingdom of Ristern, with a regret I announce to all of you that the negotiations on the peaceful settlement of the military conflict with the Republic of Askithenna have failed miserably. They exhausted all the options of the peaceful settlement of the conflict, and our country has nothing left but to finish what we began. From this moment I encourage you not to give any mercy! The enemies of the monarchy will be defeated! The justice is on our side! In the next 10 minutes all our enemies will see our determination in the fight for returning the former glory of Viscrona”.

35. At 21:10 on all the territories of the occupied settlements as well as on the adjacent territories of Askithenna the air alert was on. A few minutes later a series of explosions occurred on the military as well as on the civilian objects. After a massive missile attack the streets of the cities were filled with corps, and the residential buildings turned into ruins. According to preliminary estimates, during the missile attack 21,693 citizens were killed, 30,853 citizens were wounded, 3,440 citizens were declared missing.

36. In an hour after the massive missile attack the president of Askithenna delivered the eulogy:

“Dear citizens! A terrible disaster took place on our land, where we faced not simple murderers, but those who used the weapon against unarmed civilians. Now I’m addressing words of support, first of all, to those who lost the most precious things in their life – their children, their relatives and friends. This act of aggression from Ristern is nothing but a crime against humanity, as well as against peace and security. The government of Askithenna, and me personally, promise, that those who are

responsible for this, will be punished, and what they have done, will never be forgotten”.

37. In the morning on November 10, 2022, the king of Ristern, Jahar I, delivered the response:

“I, the king of Ristern, Jahar I, bring my deepest condolences to the families of the victims, which died in the missile attack this night. The Kingdom of Ristern claims that it is not connected with these events. The communication with the delegation, which took part in the truce negotiations in the Astanian Republic was lost right after the negotiations were finished. In connection with that, we are ready to cooperate with the Republic of Askithenna in the investigation of this event. We also swear to take any actions to find those, who are responsible for this terrorist act”.

38. Despite the declarations of Askithenna and Ristern, announced at the day of the missile attack, the situation at the front line aggravated and turned to the hot phase, with both sides having significant losses.

39. On December 10, 2022, during the inner investigation of the missile attack, the government of Ristern discovered the information trail of the malware in the security system of the gun fire-control systems. Using the discovered trail the technical specialists of the Ristern Bureau of Investigations (hereinafter referred to as the Bureau) revealed the use of the neural network «Lera Voice».

40. Having conducted an investigative experiment and compared the data obtained with the previously posted video message of the head of the Ristern delegation, the Bureau's technical experts concluded that Richard White's speech was synthesized with a high degree of probability.

41. The result allowed to expand the scope of the investigation. So, on December 22, 2022, during further investigative activities, the Bureau considered all the events that occurred after the negotiations between the delegations of Askithenna and Ristern in the city of Juadiff and found out a group of journalists present at all stages of the negotiations. One of the journalists Manuel Ramos told the investigators during the inquiry that there was a suspicious person

among the members of the Royal Guard accompanying the delegation whose emblem on the uniform was different from the others.

42. On January 5, 2023, an article authored by Manuel Ramos about the ongoing investigations into the missing delegation was published in the Askithenna newspaper "Juadiff Herald". At the end of the published article, the author indicated contact details for sending any information from possible eyewitnesses of the incident.
43. On January 12, 2023, a photograph of the murdered Richard White, received from an unidentified person, appeared on the cover of the Juadiff Herald. This photo has stirred up the public. In turn, the Bureau identified the emblem on the published photo, which was previously described by Manuel Ramos and, after reviewing the testimony of eyewitnesses to the looting of residential buildings located in the occupied territories, found many records about similar emblems.
44. On January 15, 2023, the Bureau handed over all the investigation materials to the Ministry of Internal Affairs of Askithenna. In addition, the Government of Ristern sent an official letter to the Government of Askithenna, in which it stated the following:

“Based on the investigation conducted, as well as the materials transferred by the Bureau of Investigation of the Kingdom of Ristern to the Ministry of Internal Affairs of the Democratic Republic of Askithenna, we insist on a complete cessation of hostilities along the entire front line. At the same time, I, the King of Ristern, Jahar I, officially agree to transfer the case of all the events to the International Criminal Court and fully implement all the agreements reached during the negotiations on a peaceful settlement of the conflict, which were signed by our delegation in the city of Juadiff.”

45. On February 2, 2023, by agreement of the Governments of the Republic of Askithenna and the Kingdom of Ristern, the case was referred to the ICC and an official investigation of all the events that occurred within the framework of the activities of the ICC was launched. The competence in this case was unconditionally accepted by the Court, and oral hearings are scheduled for November 21-24, 2023.

46. The prosecution, represented by the Democratic Republic of Askithenna, raised the following issues that needed to be resolved within the framework of the ICC court session:
- I. *The actions of the Kingdom of Ristern to seize territories are a military intervention, and violate the provisions of the Treaty "On Establishing State Borderlines between Askithenna and Ristern" of 1860.*
 - II. *The deportation of children from orphanages located on the territory of the occupied city of Distan and the urban-type settlement of Sadyik was illegal and should be recognized as an act of genocide against the people of the Democratic Republic of Askithenna.*
 - III. *The refusal to allow trucks of the Republic of Crostan with humanitarian supplies to pass is a groundless violation of the norms of international law on the part of the Kingdom of Ristern.*
 - IV. *Richard White, who was the head of the delegation for the peaceful settlement of the conflict between the Democratic Republic of Askithenna and the Kingdom of Ristern, called on the people of the Kingdom of Ristern to kill civilians of the occupied territories of the Democratic Republic of Askithenna, and the missile attack on the humanitarian corridor and massive missile attack on the occupied territories by the armed forces of the Kingdom of Ristern are a gross violation of international law.*
47. The defense party, represented by Jahar I, King of the Kingdom of Ristern, put forward the following issues that needed to be resolved within the framework of the ICC court session:
- I. *The actions of the Kingdom of Ristern to seize territories do not constitute a military intervention, nor do they violate the Treaty "On Establishing State Borderlines between Askithenna and Ristern" of 1860.*
 - II. *The deportation of children from orphanages located on the territory of the city of Distan and the urban-type settlement of Sadyik was legal and necessary, and therefore does not constitute an act of genocide against the people of the Democratic Republic of Askithenna.*
 - III. *The refusal to allow trucks of the Republic of Crostan with humanitarian supplies to pass was a reasonable measure to prevent the possible supply of weapons to the rebel forces of the opponents of the monarchy and is not a violation of international law by the Kingdom of Ristern.*
 - IV. *Richard White, who was the head of the delegation for the peaceful settlement of the conflict between the Democratic Republic of Askithenna and the Kingdom of Ristern, was killed by unknown persons, in connection with which his call of the people of the Kingdom of Ristern to kill civilians*

cannot be recognized as genuine, and the missile strike on the humanitarian corridor and the massive rocket attack on the occupied territories by the armed forces of the Kingdom of Ristern were the consequence of interference in the control system of multiple launch rocket systems.

TREATY
between Askithenna and Ristern
on the establishment of state borders

Askithenna and Ristern, hereinafter referred to as the Parties,
expressing generally accepted principles and norms of international law, and
confirming their desire for the development of interstate relations,
desiring to provide favourable conditions for the development and consolidation
of friendly relations and mutual trust between the two states,
desiring to develop legal basis for resolving issues related to the state border,
have agreed on the following:

Article 1

In this Treaty, the Parties resolve the issues of the state border between Askithenna and Ristern on the land (hereinafter referred to as the state border) and confirm that with the entry into force of this Treaty they consider these issues to be resolved.

Article 2

The state border defined by this Treaty is a line and a vertical surface running along this line, which delimit the land, water area, airspace and subsoil of Askithenna and Ristern.

Article 3

The parties, on the basis of agreements reached during negotiations on border issues, determined the delimitation of the state border, drawn on the map on a scale of 1:50,000 (Appendix 1).

Appendix 1 to this Treaty is its integral part.

Article 4

To establish the state border on the land, the Parties create a demarcation commission (hereinafter referred to as the Commission) on parity bases, and each Party appoints a co-chairman of the Commission and his deputy.

Article 5

The Commission carries out the demarcation of the state border in the following way: prepares draft documents on the demarcation of the state border; determines, if necessary, on border rivers (lakes) the exact location of the main (navigable) fairway, the middle of the river or its main branch, as well as the ownership of islands on border rivers and lakes; installs border signs.

Article 6

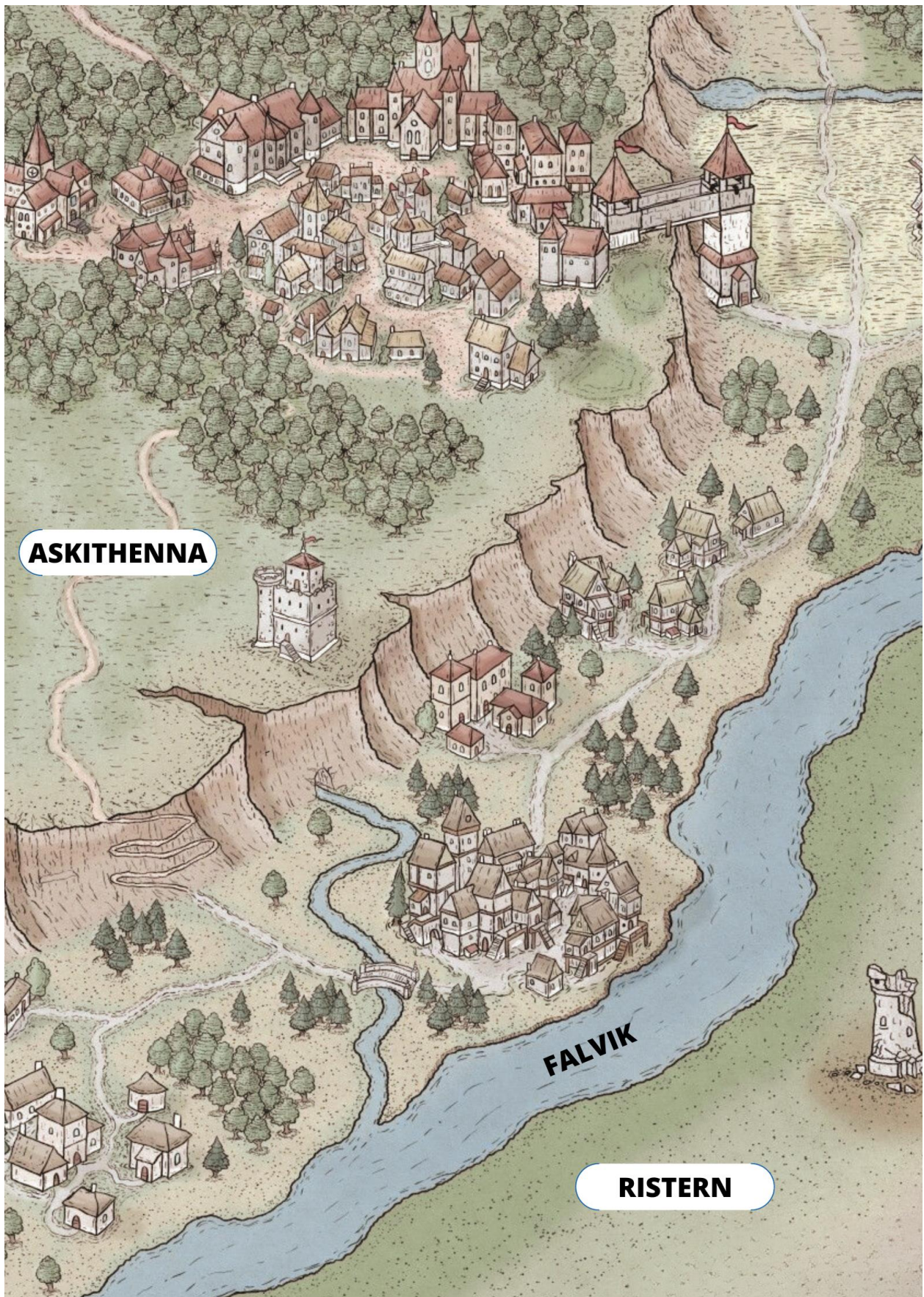
The state border is considered finally demarcated when the Government of each Party approves the demarcation documents - a description of the establishment of the state border line, protocols of border signs and a demarcation map.

Article 7

Issues related to the activities of border representatives, rules of water area use, navigation, joint operation of bridges and hydrotechnical constructions located on the border, fishing, other economic activities in border waters and various aspects of the state border regime are regulated by additional agreements.

On behalf of Askithenna

On behalf of Ristern



ASKITHENNA

FALVIK

RISTERN

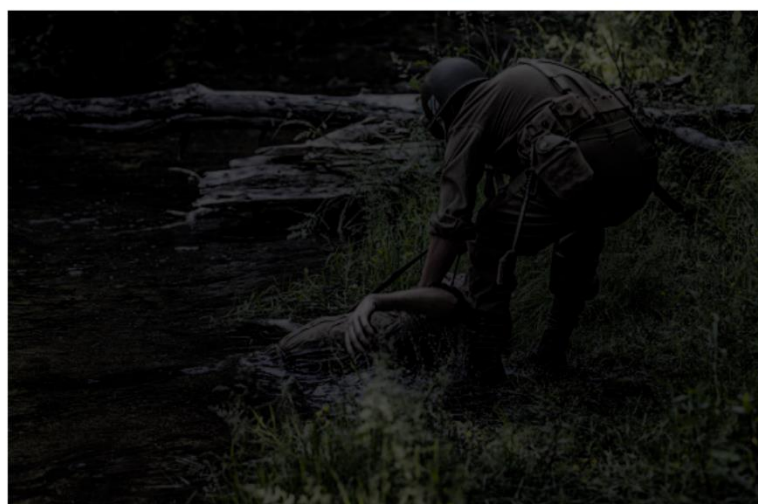
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