



INTERNATIONAL  
NUREMBERG  
PRINCIPLES  
ACADEMY



# Nuremberg Moot Court Case 2019



### Introduction

This is a fictional case before the International Criminal Court (ICC). All participating teams will represent both Counsels for (1) the Office of the Prosecutor (OTP) and (2) the Defense. Parties must prepare written submissions and plead before the ICC Pre-Trial Chamber regarding an application requesting the Chamber to declare the case inadmissible. The written submissions and respective pleadings should address all issues relevant to the case below.

Memoranda must arrive by **midnight Sunday 21 April 2019**, Nuremberg time. The oral rounds will take place from Thursday 25 July to Saturday 27 July 2019.

### The Prosecutor v. Vincent Vega

1. Mr. Vega is the Head of the National Intelligence Office (NIO) of the Republic of Schwarzwald ("Schwarzwald").
2. Schwarzwald has a homogenous population of five million inhabitants in a territory of 41,290 km<sup>2</sup>. It has a well-developed economy based on financial services provided by banks and supported by the state. Schwarzwald has a small group of ethnic minorities who speak the language of Odenwald (1.5 %).
3. The Republic of Odenwald ("Odenwald") has a population of 40 million people in a territory of 652,200 km<sup>2</sup>. The mostly mountainous territory of Odenwald is relatively thinly populated with the population mainly concentrated in three big cities.
4. Schwarzwald and Odenwald share a common border of 850 kilometers.
5. Schwarzwald has been a member of the United Nations and State Party to the Rome Statute since 2002.
6. In 2013, a destructive civil war started in Odenwald resulting in the catastrophic collapse of Odenwald's social structure. By 2016, the younger generation, not seeing any economic future for themselves in Odenwald, began to flee to Schwarzwald in search of job opportunities and in order to avoid compulsory military service.
7. From 2017, the number of Odenwald refugees in Schwarzwald increased significantly. This increase caused concerns among Schwarzwald's population. Angry citizens took to social media to voice their concerns about the sizable number of "illegal" refugees and the political tensions arising between refugees from Odenwald. They expressed their fear that the civil war would expand into Schwarzwald. Over the years, social media discussions about the refugee situation increased and intensified.
8. Between September 2017 and June 2018, the International Human Rights Organization ("IHRO") reported 30 cases of violence against refugees in Schwarzwald by unknown, masked groups. In its report, the IHRO criticized the national authorities of Schwarzwald for failing to protect the refugees and for not investigating cases of beatings and attacks. The IHRO report included allegations that the Schwarzwald government backed these unknown groups. This was neither officially denied nor accepted by any member of the government.
9. An NGO focusing on protecting refugees' rights also published a report about verbal and physical attacks against some 200 refugees in Schwarzwald, attacks carried out by unknown perpetrators in May 2018. The report urged the government to protect the refugees.
10. In May 2018, refugees started publicly voicing their concerns and on 15 May 2018 they organized demonstrations all over Schwarzwald. During these demonstrations, several cases of violence between refugees and the police as well as citizens of Schwarzwald were reported.



11. Following the violent demonstrations, the Schwarzwald government tasked Mr. Vega and the NIO with monitoring and assessing the situation. The government memorandum on this expressed the fear that a civil war might break out in its own territory, damaging its own political and economic stability as well as its reputation and trade with many leading investors.
12. Mr. Vega commissioned a group of experts to examine the national security threats and to come up with recommendations. On 20 August 2018, the NIO experts' report was presented to the Schwarzwald government. This report concluded that:
  - a) There is a high risk of radicalization of Schwarzwald society, particularly among the minority population.
  - b) There is a well-organized group called the "National Front" made up of approximately 40 activists, including several mid-level members from the police and government. The National Front is active in many cities in Schwarzwald spreading disinformation and photo-edited video material through fake accounts on various social media networks in order to intensify and radicalize the discussion of the refugee crisis in Schwarzwald. Each National Front activist had between 10,000 and 25,000 followers on each site. However, it was not possible to identify whether these followers subscribed to one or more sites.
  - c) The National Front was behind the attacks on the refugees and was supported by members of Schwarzwald government.
  - d) Open arrest of the "National Front" members could result in further social instability and radicalization of the Schwarzwald population.
  - e) There is an increased risk of violence within the refugee community after the repeated attacks by the National Front and confrontation with the police during the May 15th demonstration.
13. In light of the expert report, on 1 September 2018, Mr. Vega instructed Ms. Jorg, Head of the Division of National Security in the NIO, to take all necessary measures to prevent further instability in the country by taking action against all the members of the National Front and disruptive refugees without attracting public attention. Neither the Ministry of the Interior nor any other government agency had knowledge of Mr. Vega's instructions to Ms. Jorg.
14. On 15 September 2018, Ms. Jorg proposed a five-stage plan to arrest all 40 members of the National Front and 30 Odenwald refugees on 17 September 2018, then to detain and prosecute them in secret NIO detention facilities throughout Schwarzwald. The plan consisted of:
  - a) arresting the relevant individuals on 17 September 2018;
  - b) partially blocking their social media accounts;
  - c) using some of the accounts in order to de-radicalize the followers by assuming the identities of the account owners;
  - d) initiating secret trials outside main cities on the charge of "endangering national security";
  - e) imprisoning the individuals without providing any information as to their whereabouts or length of detention to either the public or to their family.
15. On 17 September 2018, a NIO task force arrested all 40 members of the National Front and 30 refugees.
16. On 30 September 2018, all arrested individuals were secretly, separately and summarily tried and sentenced for "endangering national security" and then jailed. No information as to the judicial process, including the sentences imposed or where the sentences were to be served, was made public or given to relatives.



17. On 5 October 2018, the relatives of four disappeared persons gathered in front of the NIO office and, in the presence of journalists, accused Mr. Vega of being responsible for the disappearances. Later the same day, several pictures of these four disappeared persons were leaked to the media, showing them in their cells and in good health. One of the pictures showed a guard wearing Schwarzwald police uniform and a ski-mask.
18. The next day, in a short interview with journalists, Mr. Vega denied any knowledge or connection to the disappeared persons and stated that the police would investigate the authenticity of the photographs and the alleged disappearances.
19. On 1 November 2018, the IHRO and other human rights organizations began to lodge complaints with Mr. Vega and the Schwarzwald government about the alleged disappearances in Schwarzwald, reporting several testimonies of families of refugees and members of the National Front, who all disappeared on 17 September 2018.
20. After several unsuccessful requests by these human rights organizations for Mr. Vega and the Schwarzwald government to examine the alleged disappearances, these organizations communicated their findings and allegations to the Office of the Prosecutor at the ICC. On 10 December 2018, the ICC Prosecutor initiated investigations *proprio motu* based on information regarding crimes that fell within the jurisdiction of the Court, according to Article 15 of the Rome Statute.
21. On 25 December 2018, the President of Schwarzwald publicly expressed her willingness to cooperate fully with the ICC and stressed that the government was prepared to let the ICC investigate the case in order to avoid any further political tensions among the population and to reestablish trust in Schwarzwald's social stability. Mr. Vega was immediately suspended from office.
22. Five days after his suspension from office, Mr. Vega was arrested by Schwarzwald authorities and transferred to the Division of International Crimes of the Ministry of the Interior of Schwarzwald, where he was held in custody.
23. On 3 January 2019, following a public outcry regarding the lack of domestic response to NIO's alleged acts, the government of Schwarzwald announced the establishment of an independent body to investigate the allegations of kidnapping by NIO. The independent body was directed to conclude its investigation and present its findings by September 2019.
24. On 15 January 2019, relying on the Schwarzwald government's cooperation and on the testimonies of the families of the victims and other witnesses, the ICC Prosecutor requested Pre-Trial Chamber X to issue a warrant of the arrest of Mr. Vega pursuant to Article 58(1) of the Rome Statute.
25. On 30 January 2019, Pre-Trial Chamber X issued a warrant of arrest of Mr. Vega which states the following:
  - the case against Mr. Vega falls within the jurisdiction of the Court and is admissible;
  - there are reasonable grounds to believe that crimes against humanity within the jurisdiction of the Court pursuant to article 7(I)(i) of the Statute were committed; and
  - there are reasonable grounds to believe that Mr. Vega is criminally responsible under article 25(3)(b) of the Statute for the commission of crimes against humanity.

The warrant of arrest further orders that Mr. Vega be transferred to the ICC detention center as soon as possible.



26. Mr. Vega was handed over to the Court on 1 February 2019. He is currently in custody at the Court's detention center in The Hague. He first appeared before the Court on 5 February.
27. On 15 February 2019, Mr. Vega's Defense filed an application pursuant to Article 19 of the Rome Statute requesting the Chamber to declare the case inadmissible. In its challenge, the Defense also argues that the Court does not have jurisdiction to hear the case against Mr. Vega.
28. The ICC referred the complaint to the Pre-Trial Chamber according to Art. 19(6) Rome Statute. The Pre-Trial Chamber decided to hold a separate hearing on the question of jurisdiction and admissibility pursuant to Rule 58 (2) RPE ICC before proceeding to the confirmation stage.
29. As a result of the current challenge, the established agenda for the Pre-Trial Chamber's hearing is the following:
  - a) Whether the case against Mr. Vega falls within the jurisdiction of the Court pursuant to Article 19(1) of the Statute;
  - b) Whether the case against Mr. Vega is admissible pursuant to Article 17(l)(a)-(c) and Article 17(l)(d) of the Statute;
  - c) Whether there are reasonable grounds to believe that Mr. Vega is criminally responsible under article 25(3)(b) of the Rome Statute.