



INTERNATIONAL
NUREMBERG
PRINCIPLES
ACADEMY

Nuremberg Moot Court

Case 2015



Introduction

This is a fictional case before the International Criminal Court (ICC). Participation teams will represent Counsel for the Prosecution (1) and Defense Counsel (2) and must prepare written submissions and pleadings for the Pre-Trial Chamber hearings of the International Criminal Court for both parties, addressing all issues concerning jurisdiction of the Court and merits of the case.

- Memorials must be sent to ianp@stadt.nuernberg.de by Monday, July 27, 2015.
- The oral rounds will be held on Friday, July 31, 2015 and Saturday, August 1, 2015.

The Prosecutor v. Ms. Minsa

1. Ms. Minsa was born 1970 in Dabu in the Republic of Arkania (A). From 2005 to 2011 she worked as senior staff specialized in genomics and brain research at the Grand Garden hospital in Belu the capital of Arkania. In 2006 she became member of the right-wing Revolutionary Arkanian Party (RAP). The political program, which had to be signed by all new members of the political party, included a ban of any religious worship and the elimination of the leading members of the religious group of Capu which was responsible for the disastrous economic situation of Arkania. The Capu community, which constitutes 29 % of the population of Arkania, has distinctive religious doctrines and rituals and is the largest religious community in Arkania churches in all parts of the country.
2. Since February 2010, the economic situation in Arkania sharply deteriorated after a significant drop in oil prices, which resulted in the doubling of food and energy prices. As a result of the precarious situation a civil protest movement developed. It organized demonstrations against the economic policy of the Minister of Economic Affairs, a member of the religious group of Capu.
3. On various occasions on television as well as on social media, Mr. Lona, the vice-chairman of the Revolutionary Arkanian Party, expressed his opinion that the economic crisis resulted from the plan of the religious group of Capu to seize state power in order to establish a clerical political system in Arkania. Other hard-liners of the Revolutionary Arkanian Party reiterated the RAP political program calling for “the destruction of all spiritual ambitions which has the sole aim of suppressing the civilian population”. In the aftermath of the speeches religious sites belonging to the Capu community were destroyed by supporters of the Revolutionary Arkanian Party.
4. After a successful vote of no confidence against the government, new elections were held in September 2010. The Revolutionary Arkanian Party won the elections and Mr. Gome became the new President of the state.
5. In October 2010 the Presidential Special Forces (PSF) were established to suppress and terminate any resistance within the civilian population. In March 2011 the hierarchically organized Presidential Special Forces was deployed to cleanse the society of Arkania of all ‘inferior persons’. Among these were religious groups and disabled persons and other politically “undesirable elements”. The appointed members to the Presidential Special Forces attended various meetings where the vice-chairman of the Revolutionary Arkanian Party as well as other representatives made speeches on the danger deriving from the Capu community, which had to be dealt with to save the population of Arkania.
6. In April 2011, Ms. Minsa was moved to the Medical Task Force (MTF) within the PSF. She feared that a refusal to take up the position would cause a threat to her life and therefore agreed to become member of the Medical Task Force. Its main assignment



was to make the cleansing process of 'subversive elements' more effective. This included modification of vans of the State owned bus service StateBus into gas vans to be used in the elimination of the Capu. Ms. Minsa was responsible for the functional efficiency of the gas vans and their distribution to PSF units spread throughout the country.

7. In January 2012, after a dispute with the head of the MTF, Ms. Minsa was relocated to the State Brain Disorder Research Center, one of a number of research centers in the country which conducted experiments with human beings considered as inferior. From February 2012 to January 2015, Ms. Minsa worked as medical assistant on research focusing on degenerative brain disorder. The subject groups were selected from disabled persons of the Green Leaves Sanatorium, who suffered from physical and cognitive disabilities. The experiments included drug-induced epileptic seizures without subsequent medical treatment. Twenty-five percent of the test-persons died as result of medication. Ms. Minsa was responsible for the autopsy of the deceased persons and in particular, the removal of the brain for scientific research purposes, aimed at developing methods to prevent epileptic seizures. Ms. Minsa had knowledge of the selection process of the test-persons and the effects of the experiments, which caused bodily harm and in many cases death. The new scientific knowledge from the experiments was celebrated in some worldwide scientific journals as breakthrough insights.
8. Arkania signed and ratified the Statute of the International Criminal Court in 2004. In November 2010, the prosecutor of the International Criminal Court invoked his proprio motu powers under article 15(1) Rome Statute and initiated its investigations in Arkania. In December 2010 the Security Council of the United Nations expressed its great concern on the situation in Arkania in its Resolution 7568 (2010) and condemned the atrocities committed against the civilian population and in particular against the religious community of the Capu. Furthermore, the Security Council strongly urged the government of Arkania to cease any further attacks directed against the civilian population and warned that the killing of members of an ethnic group with the intention of destroying such a group, in whole or in part, constitutes a crime punishable under international law. In September 2010, the newly elected government of Arkania withdrew its membership of the Rome Statute by a written notification to the Secretary-General of the United Nations, and declared the lack of jurisdiction of the International Criminal Court in relation to any alleged crimes committed on the territory of Arkania. After reports on widespread mass murders and persecution on religious and other grounds, the Security Council of the United Nations adopted the Resolution 8634 (2013) recognizing that inter alia genocide was taking place in Arkania and set up a peace-keeping mission for Arkania to prevent further attacks against the civilian population.
9. After intensive investigations by the Office of the Prosecutor (OTP), an arrest warrant was issued against Ms. Minsa on January 10, 2015, by the competent Pre-Trial chamber according to article 58(1) ICC-Statute. In the arrest warrant, the Prosecutor considers that there are reasonable grounds to believe that Ms. Minsa is criminally liable under article 25(3)(c) and 6 ICC-Statute for facilitating the commission of genocide by constructing and distributing gas vans to the Presidential Special Forces. Furthermore, she is criminally liable under article 25(3)(a) and (d) and 7 Rome Statute for committing crimes against humanity by conducting and contributing to human experiments.



10. Defense Counsel argues that the International Criminal Court has no jurisdiction in this case, and challenges the Prosecutor's abuse of authority by initiating an investigation proprio motu. Furthermore, the Defense argues that the prerequisites of genocide according to article 6 ICC-Statute have not been met in this case because Ms. Minsa acted under duress and in self-defense. They also argue that the prerequisites of crimes against humanity according to article 7(1)(k) ICC-Statute have not been met in this case because of the lack of a widespread and systematic attack against the civilian population. They also advance the argument that the experiments carried out were no criminal act because of its full compliance with the code of medical ethics.

**Established agenda for the
Pre-Trial Chamber's confirmation
of charges hearing**

- Whether the International Criminal Court has jurisdiction over this case.
- Whether there are substantial grounds for believing that Ms. Minsa's acts would qualify as genocide and crimes against humanity under the Rome Statute