

**ASIA-PACIFIC**

**MOOT**



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**NATIONAL**

**ROUNDS**

**2021**

**ICRC**

**MOOT PROBLEM**

**SITUATION IN ALPHA**

***IN THE CASE OF***

***THE PROSECUTOR***

***V. MAJOR LYDIA RODARTE-QUAYLE***

**BEFORE THE INTERNATIONAL CRIMINAL COURT AT THE HAGUE**

## Instructions

1. *Proceedings*: The hearing takes place in the jurisdiction of the International Criminal Court ('ICC') at the "confirmation of charges" stage pursuant to Article 61 of the *1998 Rome Statute of the ICC* ('Rome Statute'). At this stage, the Prosecutor must "support each charge with sufficient evidence to establish substantial grounds to believe that the person committed the crime charged." The Accused may "object to the charges" and "challenge the evidence presented by the Prosecutor".

2. *Facts and evidence*: The case is entirely fictional. The Statement of Agreed Facts includes all the facts supported by evidence that have been transmitted to the Defence, as well as facts and evidence presented by the Defence. Teams should confine themselves to the facts supplied. Neither the Prosecutor nor the Defence may introduce new evidence or facts at the hearing (Article 61(6)(c) of the Rome Statute is not applicable). Teams may nonetheless draw reasonable inferences from the facts. They may also question the credibility or weight of the evidence.

3. *Procedure*: The problem is not intended to raise questions of procedure other than the rights of the accused pursuant to Articles 66 and 67 of the Rome Statute. Any other procedural questions should be ignored. In particular, the annexation of the AP mine ban treaty pursuant to art 121 is not in issue.

4. *Jurisdiction and admissibility*: Counsel may, if relevant, address issues of conflict classification or gravity. Any other issues of jurisdiction and admissibility should be ignored.

5. *Applicable law*: In accordance with Article 21 of the Rome Statute:

*1. The Court shall apply: (a) In the first place, this Statute, Elements of Crimes and its Rules of Procedure and Evidence;*

*(b) In the second place, where appropriate, applicable treaties and the principles and rules of international law, including the established principles of the international law of armed conflict;*

*(c) Failing that, general principles of law derived by the Court from national laws of legal systems of the world including, as appropriate, the national laws of States that would normally exercise jurisdiction over the crime, provided that those principles are not inconsistent with this Statute and with international law and internationally recognized norms and standards.*

*2. The Court may apply principles and rules of law as interpreted in its previous decisions.*

6. Teams are encouraged to look at the case law of international and national courts. If teams rely on decisions of national courts, these should be leading decisions and teams should expect to be asked for copies of the head note and the portion of the transcript or judgment referred to in their argument.

7. *Participation to treaties*: at all material times, the treaties listed at Annex II were in force for Alpha and Bravo.

## Indicative Authorities and Research Material

### International Criminal Court

- a) Rome Statute of the International Criminal Court (1998): [http://legal.un.org/icc/statute/english/rome\\_statute\(e\).pdf](http://legal.un.org/icc/statute/english/rome_statute(e).pdf)
- b) Elements of Crimes under the Rome Statute: <https://www.icc-cpi.int/nr/rdonlyres/336923d8-a6ad-40ec-ad7b-45bf9de73d56/0/elementsofcrimeseng.pdf>

### Basic IHL Documents

- a) IHL Treaties: <https://ihl-databases.icrc.org/ihl>
- b) Customary IHL: <https://ihl-databases.icrc.org/customary-ihl/>
- c) ICRC Commentaries to the Geneva Conventions and its Additional Protocols: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreaties1949.xsp>

### Cases

- a) International Criminal Tribunal for the Former Yugoslavia: <http://www.icty.org/en/cases/judgement-list>
- b) International Criminal Tribunal for Rwanda cases: <http://unictr.unmict.org/en/cases>
- c) International Criminal Court: <https://www.icc-cpi.int/cases>
- d) International Court of Justice: <https://www.icj-cij.org/en/decisions>

## Statement of Agreed Facts

1. In 2021, the **Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction** was annexed to the Rome Statute, by an amendment in accordance with the provisions set forth in articles 121 and 123. For the purposes of article 2(b)(xx) the following elements of crimes were adopted by the Court;
  - a. Article 8(2)(b)(xx) Elements - War crime of employing weapons etc to cause superfluous injury etc.
    - i. The perpetrator employed a weapon, projectile or material or method of warfare.
    - ii. The weapon, projectile, material or methods of warfare was of a nature to cause superfluous injury or unnecessary suffering or which was inherently indiscriminate.
    - iii. The weapon, projectile, material or methods of warfare is the subject of a comprehensive prohibition annexed to the statute.
    - iv. The conduct took place in the context of and was associated with an international armed conflict.
    - v. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.
2. Alpha and Bravo are neighbouring countries and historical rivals. They have fought several small wars over the past 200 years but more recently have experienced a period of improving relationships and economic co-operation. Both countries are participatory democracies with complex economies.
3. In 2023, the region experienced a significant economic downturn as the result of disruption to agriculture due to a drought, the effects of which were exacerbated by climate change. Several smaller neighbouring countries with largely agricultural economies suffered severe social upheaval leading to large numbers of refugees entering both Alpha and Bravo.
4. This influx of refugees, coupled with the social stress caused by the regional economic downturn led to a rise in nationalism in both countries. In Bravo, elections held in 2024 saw significant electoral gains made by the Bravo Front, an ultra-nationalist and militarist party that ran on a platform of stopping most forms of immigration and expanding the military as a way of reinvigorating the economy. Unsurprisingly, the Bravo Front had strong support in some parts of the Bravo Defence Force.
5. The gains made by the Bravo Front were imitated, and exceeded, by the Alpha Alternative Party in Alphan general elections in 2025. This party ran on a very similar platform to the Bravo Front and won both a majority in the Parliament and the Alphan Presidency. The new Alphan President, Gustavo Fring, was known for his ultra-nationalism and soon began implementing policies that reflected this. Refugees and immigrants were targeted by discriminatory policies, and the borders were largely closed. Fring also ramped up rhetoric against Bravo. The new Alphan government also considerably increased military spending and significantly expanded its military – actively recruiting thousands of new soldiers.
6. In response, and at the urging of the Bravo Front, the Bravo Government also increased its military spending, and soon both nations announced significant new purchases of

military hardware in a rapidly escalating arms race. Both nations began deploying troops along their mutual border and conducting large military exercises.

7. Despite attempts by international actors to defuse tensions, fighting soon erupted between the two rivals. On 13 July 2026, Alphan forces crossed the frontier, and the military engagement between the two armed forces soon began. Alphan forces quickly captured a number of key border cities as the Bravo military was pushed back. Alphan forces drove toward the Bravan capital, Bravoville, and were soon in sight of the outer suburbs of the city. A hurried defence by the Bravan forces stopped the Alpha advance in its tracks, and this was the extent of the territorial gains made by the Alphan military.
8. Bravan forces soon gained the initiative and recaptured all of the territory lost in the initial Alphan offensive. When they reached the border, the Bravo Government attempted to enter into negotiations with the Alphan regime, but these overtures were rebuffed, and an increasingly hard-line Gustavo Fring made a series of incendiary speeches from the Alphan National War Memorial and Museum of Glorious Victory.
9. The National War Memorial is over 300 years old and contains many artifacts that are significant to the Alphan nation, including its original Constitution and Declaration of Independence. Lately the Memorial had become central to the Fring regime and the Alphan ultra-nationalists as a symbol of Alphan military power.
10. The Fring regime declared that it would never surrender to Bravo, and so the Bravan military drew up plans to invade Alpha and destroy its ability to wage war.
11. On 1 August 2026, the invasion of Alpha commenced. Bravan forces quickly gained control over large parts of Alpha, including its centres of industrial production. Alphan forces, seriously weakened by supply shortages and a series of defeats throughout the country, began to surrender *en masse*. Support for Fring among most of the population and the military plummeted, and across the country, people began actively protesting the Fring regime.
12. By 26 August, only the most populous Alphan province, East Alphalia remained under Alphan control. East Alphalia is the home to the Alpha's capital and is the stronghold of Alphan nationalism. The Alphan military in East Alphalia, which included the 7<sup>th</sup> Army, were the most loyal to the Fring regime and were prepared to fight to the death against the Bravans.
13. The Bravan military paused to regroup, establish logistical support, and deal with the large numbers of surrendering enemy troops.
14. On 29 August, taking advantage of this lull in the fighting, the Alphan 7<sup>th</sup> Army launched an unexpected counter offensive from its defensive positions in the northern end of East Alphalia. This offensive caught the Bravan military completely off-guard, and the 7<sup>th</sup> Army made significant territorial gains in the province of North Alphalia.
15. Major Lydia Rodarte-Quayle was in command of the 3<sup>rd</sup> Battalion, 2<sup>nd</sup> Royal Bravo Infantry Regiment was stationed at the northern end of the border between Alpha and Bravo. On 2 August, the 3<sup>rd</sup> Battalion moved into the Alphan province of North Alphalia and was tasked with overseeing approximately 10,000 surrendered Alphan prisoners of war (PoWs) and several hundred civilians who had also been detained on security grounds.
16. The 7<sup>th</sup> Army's offensive came close the 3<sup>rd</sup> Battalion's positions and it appeared that Alphan troops would soon overwhelm the comparatively small number of defenders.

Major Rodarte-Quayle hurriedly set about re-tasking her troops from guarding the PoWs to preparing defensive positions.

17. Major Rodarte-Quayle was unable to spare many of her own troops and so, on 30 August, she ordered some of the detained civilians to assist with the establishment of the defensive arrangements, such as digging trenches and fortifying strong points. In order to encourage their participation, the civilians were told that they would receive extra rations and their participation will be looked upon favourably at their next periodical review pursuant to Geneva Convention IV article 78.
18. Major Rodarte-Quayle realised that she did not have enough troops to meet the enemy advance and made the decision on 30 August to deploy M1984 mines to deny avenues of advance to the enemy. This would enable her to concentrate her defending forces and funnel the enemy advance.
19. The M1984 mine utilises a shape charged warhead to penetrate the armour of enemy fighting vehicles and simultaneously disburse fragmentation around a wide area. These weapons are designed to be command initiated by a remote control. However, the Bravo military manual describes how to deploy the mines also includes instructions on setting up an improvised tripwire which will set off the mines. Major Rodarte-Quayle ordered that the manual be distributed to the civilians. In placing the mines, MAJ Rodarte-Quayle ensured compliance with the marking and warning requirements of the amended second protocol to the Convention on Certain Conventional Weapons.
20. Forward elements of the 7<sup>th</sup> Army were within one day's drive from the positions occupied by the 3<sup>rd</sup> Battalion when their fuel supply ran out. This allowed other Bravan units to attack the Alphans in the area and stop their counter offensive after several days of fighting. The remnants of the Alphan 7<sup>th</sup> Army in North Alphaia surrendered to Bravan forces on 6 September without reaching the PoW camp.
21. Meanwhile, Major Rodarte-Quayle's cyberwarfare captain informed her that the famed hacker known by the name "Mr Robot" was somewhere in Alphan territory. Mr Robot is an Alphan citizen but has Bravan heritage. He had posted online about his opposition to the militaristic policies of the Alphan government.
22. Major Rodarte-Quayle developed a plan to disrupt Alphan military operations and contacted Mr Robot. She messaged him telling him to conduct a cyber-attack on the National War Memorial. In one of the messages, she said "you should know that we have your family but we are taking good care of them. We need you to do this for us, and for Alpha." In another message she said that she expected that the attack would undermine the morale of the remaining Alphan forces who were yet to capitulate.
23. On 8 September, Mr Robot's cyber-attack disabled the climate control and the security system of the National Memorial meaning that some of the priceless objects stored there were destroyed, including the original copy of the Constitution and the Declaration of Independence. After the security system at the National Memorial failed, an anti-Fring mob stormed the Memorial wherein Fring and his aides were found and detained after being beaten by the mob. Upon hearing of the attack on the heart of Alpha, several Generals commanding most of the remaining Alphan forces in the capital formed the view that Fring was no longer suitable to lead their country. They launched a coup against the Fring regime. Prior to this, there had been no fighting at all in the capital.
24. After the coup, all remaining resistance by the Alphan military collapsed and, by 21 September 2026, all Alpha military command had surrendered to the Bravan forces. The massive influx of prisoners threatened to overwhelm the capacity of the Bravans

to administer the PoW camps safely and hygienically. The problem was particularly acute for Major Rodarte-Quayle. In order to alleviate some of the burden, on 29 September, she directed that the POW camp be guarded by an Alphan Unit - the 38<sup>th</sup> Alphan Military Police Regiment who had been detained as PoWs by the Bravan forces. In particular the Military Police were tasked with administration, discipline within the camp and guarding accused Alphan war criminals. In directing the employment of the Military Police regiment, Major Rodarte-Quayle says to Major Ehrmantraut, the Military Police's commander:

“It would be in your interests to assist us.”

“Your troops will be first in line for rations and winter clothing.”

25. While originally it was hoped that demobilisation of the Alphan forces could be achieved within six months, the Military Police were still performing these duties in this role until 1 January 2028.
26. Explosive remnants of war littered the countryside. On 26 September 2027 a group of four Alphan civilians were walking nearby the defensive positions that the 3<sup>rd</sup> Battalion had erected during the war. One of the civilians tripped the tripwire which detonated one of the mines. All four died as a result of their injuries.

## Charges

### PRE-TRIAL CHAMBER III

Document Containing the Charges against Lydia Rodarte-Quayle

The Office of the Prosecutor ("Prosecution") herewith submits the Document Containing the Charges against Lydia Rodarte-Quayle, filed on 1 January 2029.

At The Hague, The Netherlands

1. Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power contrary to article 8(2)(a)(v);
  - a. That on 30 August 2026, in preparation for the defence of the prisoner of war camp against the Alphan counteroffensive being undertaken by the Alphan 7<sup>th</sup> Army, Major Rodarte-Quayle, by her order, compelled civilians to assist in constructing defensive emplacements (**Count 1**, on the basis of individual criminal responsibility for ordering the commission under Article 25(3)(b));
  - b. That on 8 September 2026, in order to disrupt the fighting resolve of the remaining Alphan military forces, Major Rodarte-Quayle compelled Mr Robot to conduct an attack against a protected civilian object of cultural significance (**Count 2**, on the basis of individual criminal responsibility under Article 25(3)(a)); and
  - c. That during the period 29 September 2026 to 1 January 2028, Major Rodarte-Quayle, by her order, compelled the 38th Alphan Military Police Regiment to serve as prison camp guards (**Count 3**, on the basis of individual criminal responsibility for ordering the commission under Article 25(3)(b)).
2. 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 contrary to article 8(2)(b)(xx); that on 30 August 2026 in preparation for the defence against the Alphan counteroffensive being undertaken by the 7<sup>th</sup> Army, Major Rodarte-Quayle ordered the placement of mines in such a way that they would be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons (**Count 4**, on the basis of individual criminal responsibility for ordering the commission under Article 25(3)(b)).
3. Intentionally directing attacks against a historic monument, which was not a military objective contrary to article 8(2)(b)(ix); that on 8 September 2026, in order to disrupt the fighting resolve of the remaining Alphan military forces, Major Rodarte-Quayle jointly committed the attack on the Alphan National Memorial (**Count 5**, on the basis of individual criminal responsibility under Article 25(3)(a)).



## Annex I: List of States parties to Treaties

State Party Treaty	Alpha	Bravo
Geneva Convention (I) on Wounded and Sick in Armed Forces in the Field, 1949	✓	✓
Geneva Convention (II) on Wounded, Sick and Shipwrecked of Armed Forces at Sea, 1949	✓	✓
Geneva Convention (III) on Prisoners of War, 1949	✓	✓
Geneva Convention (IV) on Civilians, 1949	✓	✓
Additional Protocol (I) to the Geneva Conventions, 1977	✓	✓
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1997	✓	✗
Statute of the International Criminal Court, 1998	✓	✗
Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II to the 1980 CCW Convention as amended on 3 May 1996)	✓	✓

**Annex I – Map of Alpha, Bravo and neighbouring countries**

