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**The 2004 Philip C. Jessup
International Law Moot Court Competition**

Kingdom of Arkam

v.

State of Randolfia

The Case Concerning the International Criminal Court

**Corrections and Clarifications
to the
2004 Jessup Problem**

**2004 PHILIP C. JESSUP
INTERNATIONAL LAW MOOT COURT COMPETITION**

CORRECTIONS AND CLARIFICATIONS TO THE COMPROMIS

The following corrections and clarifications have been agreed by the parties, and the *Compromis* should be considered amended accordingly. The clerk reminds all parties and participants of the following:

- a. The *Compromis* is, in essence, a stipulation of facts. Its words have been carefully chosen, and are the results of extensive negotiation. The parties decline to "clarify" the facts by providing conclusory characterizations, e.g. of the nature of their political systems. And, obviously, the parties will not stipulate as to what arguments are acceptable or unacceptable.
- b. The response to any request for a clarification not addressed in the following paragraphs is already included in the *Compromis* or has been considered inappropriate or immaterial, or the parties were unable to reach agreement on a mutually acceptable answer.
- c. Except to the extent that corrections and clarifications are set out below, participants are to assume that the *Compromis* is accurate and complete in all respects. In particular, both parties stipulate as to the authenticity of all documents referenced in the *Compromis*, and to the authorship and the authenticity of the signatures on all documents referenced in the *Compromis*.
- d. With respect to pronunciations of the various proper names used in the *Compromis*, it should be noted that these are generally-accepted Anglicizations of the names involved, submitted in English for the use of the Court. All relevant parties have agreed that they will not take formal or informal offense at any reasonable mispronunciation.

CORRECTIONS

1. Paragraph 29 states "Arkam has agreed not to take measures to surrender either prisoner to the ICC" It should state "Randolfia has agreed not to take measures to surrender either prisoner to the ICC."
2. Paragraph 26 refers to "Article 25(e) of the Rome Statute." This reference should be to "sections (b), (e) and (f) of Article 25(3) and Article 28 generally of the Rome Statute."
3. In paragraph 7, the Arkamian Truth and Reconciliation Commission granted eleven individuals "amnesty," not "immunity."
4. In section (b)(3) of paragraph 3I, Arkam's prayer for relief states, "Mr. West's alleged conduct does not constitute a crime within the competence of the ICC." It should

state, "Mr. West's alleged acts do not constitute crimes within the jurisdiction of the ICC."

5. In paragraph 24, the reference to "Articles 13(c) and 15 of the Statute" should be removed.

CLARIFICATIONS

1. Ethnic Lengians and ethnic Arkamians share a common language, but generally adhere to different religions.

2. GALA is an independent organization which has both political and military functions, although there is no clear division in GALA between military organs and political organs. GALA is organized in a formal hierarchy, with corresponding command structures. GALA receives no known support from any government. GALA members in Arkam and Leng have from time to time surreptitiously crossed the border between the two countries. It is not known whether any GALA members were involved in the nighttime raids against ethnic Lengians.

3. Radio Yuggott is based in, and broadcasts exclusively from, Yuggott.

4. Mr. West has frequently recorded audiotapes with messages denouncing ethnic Lengians and supporting GALA.

5. Randolfia ratified the Rome Statute on February 10, 2003. Leng ratified the Rome Statute on February 15, 2003. Both states deposited their instruments of ratification on February 23, 2003. Neither State made any declarations pursuant to any of the Articles of the Rome Statute which provide for declarations.

6. The Arkamian Truth and Reconciliation Commission (TRC) is an administrative body. The TRC has plenary powers; that is, the TRC may exercise jurisdiction over an individual of any nationality found within the territory of Arkam, with respect to any act prior to or after the Commission's establishment which the TRC considers to be within its competence. No appeal is available from a determination of the TRC. The TRC may grant amnesty for any acts of which an individual is accused. The commissioners of the TRC are all ethnic Arkamians who are citizens, residents and nationals of Arkam.

7. Randolfia, Arkam and Leng each ratified the Vienna Convention on the Law of Treaties, the International Covenant on Civil and Political Rights, the Genocide Convention, the 1949 Geneva Conventions, and the two Additional Protocols of 1977 before 1990 without any reservations. Although representatives of Arkam attended the 1998 Rome Conference, they did not participate in the final vote on the Rome Statute.

8. The bilateral extradition treaty between Randolfia and Arkam was ratified by both States in February of 1991. The treaty is identical to the Model Treaty on Extradition adopted by the United Nations General Assembly.

9. The first word of Operative Paragraph 7 of Security Council Resolution 2241 is "Decides." During the Security Council debates on the contents of Resolution 2241, the Lengian Ambassador to the General Assembly objected strongly to the inclusion of Operative Paragraph 7.

10. West and Curwen are residents, citizens and nationals of Arkam. West and Curwen are ethnic Arkamians. Tillinghast is a resident, citizen and national of Randolfia and an ethnic Senhavan.

11. Yuggott is a province of Leng. Arkam makes no claim to any part of the territory of Yuggott. The population of Yuggott is 80 percent ethnic Arkamian and 20 percent ethnic Lengian.

12. Curwen has been charged under the following sections of Article 8(2) of the Rome Statute: section (a)(i); section (a)(iv); section (b)(i); section (b)(iv); section (b)(v); and, in the alternative, section (c)(i) and section (e)(i).

13. Randolfia's implementing legislation referred to in paragraph 9 implements its obligations of cooperation under the Rome Statute. Randolfia has enacted substantive law that permits it to prosecute anyone for Rome Statute crimes committed on its territory, and to prosecute its own citizens for such crimes wherever they are committed. Randolfian law does not permit it to prosecute non-citizens for crimes outside its borders.

SPECIAL CORRECTIONS – FRENCH VERSION OF THE *COMPROMIS*

The French version of the *Compromis* is not authoritative. It is provided merely for the convenience of the Francophone members of the Jessup community. The following Corrections are made to bring the French version into closer conformity with the English version. (Note that these changes are to the original French version, and do not include the above Corrections and Clarifications.)

1. In paragraph 7, the original version reads “. . . semblable à celle de l’Afrique du Sud. . .” It should read “. . . sur le modèle de celle de l’Afrique du Sud”

2. In paragraph 8, the original version reads “. . . de la province nordique arkamienne de Yuggott.” It should read “de la province nordique principalement arkamienne de Yuggott.”

3. Also in paragraph 8, the original reads “. . . dévouée à la cession de la province de Yuggott. . .” It should read “. . .dévouée à la sécession de la province de Yuggott. . .”

4. In paragraph 10, the third sentence reads “dans lequel il recommande fortement à ses «frères et soeurs arkamiens de débarasser Yuggott. . .” It should read “dans lequel il pousse fortement ses «frères et soeurs arkamiens à débarasser Yuggott. . .”

5. In section (a)(2) of paragraph 31, the original reads “. . . C.I.J.C. sur une question nationale d’un état qui. . . .” It should read “. . . C.I.J.C. sur un ressortissant d’un état qui. . . .”

