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2026 IBA International Criminal Court Moot Court Competition
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Case before the International Criminal Court (ICC):
The Prosecutor v. Droganna Syrax
Situation in the State of Essuss

Appeal from the Pre-Trial Chamber's Confirmation of Charges

CORRECTED VERSION

This is a fictional case intended to educate students about the law and practice of the ICC. Participating teams will be divided into three roles: (1) Counsel for the Defendant, Droganna Syrax, who brings this appeal (the Defence); (2) Counsel for the Democratic Republic of Merine (the Government), participating under Articles 19 and 17 of the Rome Statute of the International Criminal Court; and (3) Counsel for the Office of the Prosecutor (the Prosecution).

In accordance with the rules of the competition, each team shall write a Memorial for the Defence, Government, and Prosecution, setting forth its legal arguments in the context of the interlocutory appeal by the Defence, challenging the Pre-Trial Chamber's Confirmation of Charges concerning Droganna Syrax. Oral arguments shall follow the order set forth above.

Memorials for all the Parties should address the three issues set forth in the Agenda for Appeal below, in the context of the Pre-Trial Chamber's Findings and Conclusions. They do not necessarily have to address every argument the Defense made before the Pre-Trial Chamber or follow the order of the Defense arguments.

In this case, the Democratic Republic of Merine, as a non-party State, does not seek to appear as an amicus, but rather as an interested State under Articles 19 and 17 of the Rome Statute. In addition to the Established Agenda below, the Appeals Chamber specifically directs the Government of Merine in these proceedings to argue why it should be granted standing to participate under these articles. Government Counsel should address this issue in their Brief and will be asked about this during their presentation.

While the legal positions of the Counsel for the Defendant and the Government Counsel may overlap, during oral arguments the Government Counsel should endeavour to distinguish their arguments rather than merely repeat the arguments of the Counsel for the Defendant.

Established Agenda for the Appeal of the Pre-Trial Chamber's Decision

Pursuant to Pre-Trial Chamber XV's decision to grant the Defence's request for leave to appeal the Confirmation of Charges of 15 September 2025 (reproduced below), the Appeals Chamber seeks submissions of the parties and participants on the following three issues:

a. Whether the Pre-Trial Chamber erred in concluding that the Prosecution had established substantial grounds to believe that Defendant Droganna Syrax ordered a war crime within the jurisdiction of the ICC under Articles 8(2)(b)(iii) and 25(3)(b) of the Rome Statute.

b. Whether the Pre-Trial Chamber erred in concluding that Defendant could be tried by the ICC notwithstanding her status as the sitting Head of State of Merine.

c. Whether the Pre-Trial Chamber erred in rejecting Defendant's argument that the case must be dismissed because of the irregular means of her rendition.

15 September 2025 Confirmation of Charges Decision of Pre-Trial Chamber XV in the Case of *Prosecutor v. Droganna Syrax* Situation in the State of Essuss Corrected Version

Introduction

1. Pursuant to Article 61 of the Rome Statute, Pre-Trial Chamber XV of the International Criminal Court (ICC) renders this decision confirming the charges relating to Droganna Syrax and rejecting the Defence's arguments that the case must be dismissed because of Ms. Syrax's status as a Head of State or because of the irregular manner of her rendition to the Court. Ms. Syrax, the President of the Democratic Republic of Merine, is accused of ordering the war crime of impeding the delivery of essential medical aid within the jurisdiction of the ICC under Articles 8(2)(b)(iii) and 25(3)(b) of the Rome Statute.

2. The Democratic Republic of Merine is not a party to the Rome Statute, and the Security Council has not referred this matter to the ICC. Instead, jurisdiction in this case is based, pursuant to Article 12(3) of the Rome Statute, on the declaration of the State of Essuss, deposited with the Court on 13 February 2025, accepting the jurisdiction of the ICC from 31 October 2024.

3. Based on historical records, U.N. Reports, eye-witness testimony, hospital records, and news accounts presented by the Office of the Prosecutor during these proceedings, the Pre-Trial Chamber makes the following findings of fact related to this case (the map at Appendix A is not drawn to scale and is included merely to provide visual context).

Background about the Countries Involved in this Matter

4. This case involves four States located on the Isles of Dragons in the South Pacific Ocean. In the nineteenth century, the Isles were colonized by a foreign power, the Kingdom of Veleron. At the time, two ethnic groups were present on their territory – the Urrax and the Tyrrax, each numbering about 100,000. Each ethnic group had a distinct culture, religion, and language derived from its overseas origins. It is not clear from the historic record which group arrived on the islands first, but from the start the two groups had tense relations. Each ethnic group perceived itself as the true people of the Isles of Dragons and viewed the other as immoral invaders. Over the centuries, the Urrax and Tyrrax people rarely inter-married and resisted integration, maintaining separate villages and cities to preserve their ethnic purity. Prior to colonization, the two groups engaged in repeated cycles of ethnic violence throughout the Isles.

5. Shortly after the arrival of its forces, the Kingdom of Veleron subjugated the Urrax and Tyrrax people and divided the Isles of Dragons into four separate colonies: Essuss, Merine, Quorth, and Dothroki. The colonizers declared Velerish to be the official language of the four colonies, though Urraxian and Tyrraxian continued to be spoken privately. The borders were drawn to ensure that each colony had a significant majority of one of the ethnic groups, through which the colonial authorities worked to maintain security while exploiting each colony's resources. This arrangement quelled conflicts between the groups but also resulted in oppression of the minority ethnic group in each colony.

6. During the global decolonization period of the 1960s, the Kingdom of Veleron granted the four colonies independence within their colonial borders. In 1962, they were admitted into the United Nations as peace-loving States able and willing to carry out their obligations under the UN Charter. In the three decades that followed, the four States acceded to dozens of international conventions, including the 1944 Convention on International Civil Aviation, the four 1949 Geneva Conventions on the Laws of War and their three Additional Protocols, the 1966 International Covenant on Civil and Political Rights, the 1970 Hague Hijacking Convention, the 1982 U.N. Convention on the Law of the Sea, and the 1989 Convention on the Rights of the Child. The four States are party to no other treaties relevant to this situation.

7. Today, the State of Essuss has a population of 3 million (1 million Urrax and 2 million Tyrrax), and a GDP of 800 million (USD). Its primary sources of revenue are farming and coastal fishing. The Democratic Republic of Merine has a population of 10 million (8 million Urrax and 2 million Tyrrax), and a GDP of 15 billion (USD). Its primary sources of revenue are extraction and export of rare-earth minerals such as cobalt and lithium. The State of Quorth has a population of 10 million (7 million Urrax and 3 million Tyrrax), and a GDP of 10 billion (USD). Its primary source of revenue is lumber. The Republic of Dothroki has a population of 10 million (2 million Urrax and 8 million Tyrrax), and a GDP of 10 billion (USD). Its primary sources of revenue are cattle ranching and pharmaceutical production and export.

8. Since their independence, the four countries enjoyed peaceful relations until an ultranationalist political party won the presidency and gained control of Essuss's parliament in the September 2024 national elections. On his first day in office, 1 October 2024, the new President of Essuss, Tysserion Vermax, promulgated a series of Presidential Decrees that made it unlawful for the

Urrax people of Essuss to practice their religion, wear their traditional garb, speak their language in public, or teach children about their history in school. The decrees were upheld by the courts of Essuss and enforced by the Essuss police. When thousands of unarmed Urrax engaged in a mass protest on the Central Plaza of Essuss City, the demonstrators were fired upon by helicopter gunships from the Essuss air force base, resulting in 180 reported civilian casualties.

9. During the next several weeks, Merine first protested, then imposed economic sanctions, and finally cut off diplomatic relations with Essuss in an unsuccessful effort to compel it to rescind the anti-Urrax decrees. On 20 October 2024, the U.N. Human Rights Council adopted a resolution by a vote of 41-6, condemning Essuss's anti-Urrax decrees and calling for their immediate recission. A similar resolution demanding that Essuss repeal the decrees was considered by the U.N. Security Council, but the resolution was vetoed by a Permanent Member of the Council in a 13-2 vote on 30 October 2024. The U.N. General Assembly has not taken up this matter under the "Uniting for Peace" mechanism or otherwise.

10. The day after the veto of the resolution in the Security Council, Merine's President, Droganna Syrax, ordered Merine's military aviation division to bomb the Essuss air force base, located on the outskirts of Essuss City. The late-night airstrike resulted in the destruction of Essuss's only airport and small air force including the helicopter gunships that Essuss had deployed against the Urrax protesters, but only a handful of deaths. In a letter submitted to the U.N. Security Council, dated 31 October 2024, President Syrax cited the "Responsibility to Protect" doctrine as justification for the attack. Specifically, she stated that "Merine was compelled to act because the ultra-nationalist government of Essuss had promulgated and enforced a series of decrees that for the first time since the colonial era institutionalized repression of Essuss's Urrax population." She explained that "the Essuss air force base near Essuss City was targeted because it was from there that Essuss launched deadly aerial attacks against civilians protesting the anti-Urrax decrees." She added that "we timed our air strike for late at night to limit casualties." Her letter concluded: "As the Security Council was paralyzed by a Permanent Member's veto, Syrax had no choice but to act unilaterally to send a strong message to Essuss that Merine will not tolerate the continued repression of our Urrax brethren in Essuss." The Security Council "took note" of President Syrax's letter but took no other action on the matter.

11. Merine's 31 October airstrikes set off an armed conflict between the two countries. In November 2024 Essuss retaliated by launching a series of drone attacks on Merine Town, Merine's second largest city, located about 100 km across the Essuss Straight, killing 213 civilians and damaging infrastructure. Merine responded with another wave of airstrikes, targeting military, police, and other government buildings throughout Essuss with 106 reported deaths. After that, tit-for-tat aerial attacks between the two countries continued through the present time.

12. Compared to Essuss's scant naval forces, Merine has a substantial modern navy, consisting of 73 corvettes, frigates, and destroyers. In an effort to ratchet up the pressure on Essuss to rescind its anti-Urrax decrees, on 6 January 2025, President Syrax ordered the Merine navy to impose an armed blockade around Essuss. In publicly announcing the blockade that day, President Syrax stated that its purpose was to cut off all trade to Essuss from foreign countries, including Essuss's major trading partner and close ally, the Republic of Dothroki. The Merine blockade ships were positioned just outside of Essuss's territorial waters, 15 nautical miles from the coast. They warned

approaching ships via radio that the Merine navy would use force if they tried to transgress the blockade. On one occasion on 12 February 2025, when a Dothroki-flagged privately-owned commercial cargo ship requested permission via radio to pass through the blockade to deliver essential medicine to Essuss in accordance with international humanitarian law and the U.N. Charter, the Captain of the Merine destroyer denied permission. When the Dothroki ship nevertheless continued on its course, the destroyer fired non-lethal tracer rounds across the Dothroki ship's bow, causing it to reverse course and return to Dothroki. After that, no ship approached the perimeter of the blockade.

13. Although Essuss grows enough food to feed its population without outside trade, the blockade prevented Essuss from obtaining an urgently needed shipment of the oral antibiotic azithromycin that it had requested from Dothroki on 10 February 2025. The medicine was needed to treat a growing epidemic of Yaws on the island. According to a 5 February 2025 publicly issued report of the World Health Organization (WHO), which was monitoring the situation since December 2024, by 1 January 2025 there were 10,000 cases of Yaws in Essuss; by 1 February that number had increased to 100,000 cases, with the number growing exponentially. This debilitating childhood infectious disease is caused by the bacterium Treponema Pallidum subspecies Pertenue, a close relative of the organism that causes syphilis. Yaws is not fatal, but if left untreated for a period of months it disfigures the skin and bones, causing lifelong pain and disability. In the WHO report, the Director-General of WHO called on Merine to lift its blockade, which he said would otherwise result in the disfigurement of hundreds of thousands of Essuss children as Essuss had no stocks of azithromycin or any other medicine that could effectively treat Yaws. But President Syrax replied the next day that she would not do so until Essuss rescinded its anti-Urrax decrees.

14. Essuss, like the other three States on the Isles of Dragons, has not ratified the Rome Statute. On 13 February 2025, the government of Essuss deposited a declaration accepting the jurisdiction of the ICC over the situation in Essuss from 31 October 2024. The declaration states in relevant part:

"On behalf of the State of Essuss, I have the honour to declare in conformity with Article 12, paragraph 3 of the Rome Statute of the International Criminal Court that Essuss accepts the jurisdiction of the Court for the purposes of identifying, prosecuting, and judging the perpetrators and accomplices of crimes within the jurisdiction of the Court committed in the territory of Essuss since 31 October 2024. This declaration is made for an indefinite duration and enters into force upon submission to the Court."

15. In submitting the declaration, Essuss's President Tysserion Vermax stated that "We hope the involvement of the International Criminal Court will convince Merine to lift its unlawful blockade and allow our medical personnel to obtain essential medicine from Dothroki to halt the devastating Yaws epidemic on our island and save thousands of infected children from the ravages of that disease." Merine's President Droganna Syrax responded by announcing that "despite Essuss's attempts to use the ICC as a form of lawfare against Merine, I am determined that the blockade of Essuss will continue until Essuss rescinds its reprehensible anti-Urrax decrees."

The Charges against Droganna Syrax and Her Rendition

16. On 1 March 2025, the ICC Office of the Prosecutor filed a request for authorization to commence an investigation into the Situation in the State of Essuss pursuant to Articles 15(3) and 53(1) of the Rome Statute, which a differently composed bench of the Pre-Trial Chamber authorized on 20 March 2025.

17. Based on the evidence summarized above, on 15 April 2025, at the request of the Office of the Prosecutor, a differently composed bench of the Pre-Trial Chamber issued an arrest warrant for Droganna Syrax, finding that there were reasonable grounds to believe that she was criminally liable for ordering the war crime within the jurisdiction of the ICC of attacking a humanitarian assistance mission and thereby impeding the delivery of essential medical aid needed to treat civilians in the State of Essuss.

18. A national of Merine, Droganna Syrax, age 49, was elected president of Merine for a four-year term on 4 November 2020 and re-elected for a second four-year term on 4 November 2024. Ms. Syrax is a popular politician who previously served as a member of parliament, Minister of Foreign Affairs, and Attorney General of Merine. The President of Merine serves as Commander-in-Chief of the armed forces and has broad executive powers within the government. The decision to use force against a foreign State and the strategies to be employed in armed conflict are within the president's powers. Under Merine law, during and after her presidency, the president of Merine is immune from domestic suit or prosecution for acts within her official capacity undertaken while in office.

19. As there appeared little likelihood of President Syrax's arrest, the Pre-Trial Chamber issued a public summary of the arrest warrant. A formal copy of the warrant was transmitted to the Democratic Republic of Merine on 15 April 2025, which promptly informed the Registrar of the ICC that President Syrax was immune from criminal charges in Merine and that the Merine government would not cooperate in the ICC's proceedings against her because Merine was not a party to the Rome Statute.

20. A few weeks later, on 12 May 2025, President Syrax boarded her presidential Learjet known as "Friendship 1" at the Merine City airport and departed for a U.N. conference on climate change in the Solomon Islands. The Solomon Islands, which is not a party to the Rome Statute, had assured Merine that the ICC's charges would not affect President Syrax's participation in the conference. After passing over Quorth's airspace, Friendship 1 suddenly disappeared from radar over the ocean. The government of Dothroki later disclosed that the pilot was a Dothroki agent who diverted Friendship 1 to the airport near Dothroki City. Upon landing, Dothroki government security personnel forcibly removed President Syrax from the plane, anesthetized her, and placed her on a small privately-owned jet bound to The Netherlands. President Syrax was delivered, unharmed, twenty hours later to the custody of the International Criminal Court. The pilot of Friendship 1 was granted asylum in Dothroki while the other crew members and passengers were permitted to return to Merine aboard Friendship 1. In a press conference held outside the front entrance to the ICC, the government of Dothroki publicly claimed credit for President Syrax's rendition. Meanwhile, Dothroki's National Bar Association complained that the rendition of President Syrax

violated Dothroki's national laws and procedures governing arrest and extradition, a conclusion that has not been disputed either in Dothroki's courts or before the ICC."

21. Upon learning of President Syrax's rendition to the ICC, on 13 May 2025, the government of Merine sent a diplomatic note, signed by its Vice President, Essovius Archonei, to the Republic of Dothroki, protesting the "kidnapping of the Head of State of Merine in violation of international law." That same day, the government of Merine sent a diplomatic note, signed by Vice President Archonei, to the Registrar of the ICC, "demand[ing] the release of President Syrax, who was rendered to the Court in violation of the Rome Statute and fundamental principles of international law." The Diplomatic Note requested that the Democratic Republic of Merine be permitted to participate in the ICC proceedings concerning President Syrax in order to challenge the jurisdiction of the Court and the admissibility of the case under Article 19 of the Rome Statute. Finally, Archonei announced in the Diplomatic Note that he was immediately lifting the "ill-conceived blockade on Essuss" but made clear that "Merine will not waive the international immunity of President Syrax."

Proceedings and Decision

22. On 14 May 2025, Droganna Syrax was informed of the charges and her rights pursuant to Article 60 of the Rome Statute. That day, she informed the Court's Registrar that she had selected counsel from the ICC's List of Counsel to represent her with legal fees and expenses paid for by Merine. Also that day, the Court appointed a Common Legal Representative of the Victims to represent the interests of the victims of the Yaws epidemic in Essuss who were allegedly denied essential medicine due to Droganna Syrax's blockade and permanently disfigured as a result.

23. On 1 June 2025 the Office of the Prosecutor requested a hearing on the confirmation of charges pursuant to Article 61 of the Rome Statute. At the same time, the Office of the Prosecutor filed its Documents Containing the Charges ("DCC") pursuant to Article 61(3) of the Statute, charging Droganna Syrax with ordering the war crime of intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations under Articles 8(2)(b)(iii) and 25(3)(b) of the Rome Statute.

24. On 10 June 2025, the Pre-Trial Chamber issued an order scheduling a hearing on the confirmation of charges for 11 August 2025 and set the deadline of 10 July 2025 for the Defence to file any written submissions in relation to Article 61(6) of the Statute. The Chamber further stated that it would hear oral submissions and responses to the issues raised by the Defence at the hearing on 11 August 2025.

25. On 10 July 2025, the Defence filed a motion in opposition to Confirmation of Charges on the following grounds:

a. That the Prosecution had not established substantial grounds to believe that Droganna Syrax ordered the war crime of intentionally directing attacks against personnel or vehicles involved in a humanitarian assistance mission in accordance with the Charter of the United Nations under Articles 8(2)(b)(iii) and 25(3)(b) of the Rome Statute for three reasons: (1)

Merine's blockade occurred outside the territorial waters of Essuss and was therefore not within the jurisdiction of the ICC pursuant to Essuss's declaration; (2) the alleged humanitarian assistance mission was not "in accordance with the Charter of the United Nations" as there was no UN Security Council or General Assembly resolution calling for such a mission; and (3) as no ship attempted to run the blockade and no lethal shots were fired, the Defendant cannot be charged with "intentionally directing attacks against personnel or vehicles involved in a humanitarian assistance mission.

b. That the ICC cannot prosecute Droganna Syrax because she has Head of State Immunity as the sitting President of Merine for three reasons: (1) In the absence of a Security Council referral, Article 27 of the Rome Statute only applies to State Parties; it does not waive the immunity of Heads of State of non-parties. Article 98 makes clear that in such cases, the Court must seek waiver of immunity before it can proceed and Merine has declined to grant a waiver. (2) It is not the case that Head of State immunity is inapplicable in all international criminal tribunals because of the vertical rather than horizontal relation of those tribunals to the international justice system. And (3) there is no *jus cogens* exception to Head of State immunity applicable to war crimes tried by the ICC.

c. That the ICC must dismiss the case against Droganna Syrax because of the irregular manner of her rendition for three reasons: (1) The doctrine *male captus bene detentus* (bad capture good prosecution) is neither customary international law nor a general principle of law applicable to the ICC. While the principle might be applicable in a case where the Security Council has referred the matter to the Court and called on States to "take all necessary measures" to bring perpetrators to justice, this is not such a case. (2) Where a Defendant is rendered to the ICC in a manner contrary to the provisions of Articles 21, 59, 89, and 91 of the Rome Statute, which require that the surrender comply with national law and human rights, the appropriate remedy is dismissal of the case and release of the Defendant. Finally, (3) any possible "Eichmann exception" under which the remedy of dismissal is considered to be inappropriate in cases involving charges of heinous atrocities committed on an immense scale is not applicable to this case.

26. On 11 August 2025, the Chamber heard oral submissions from the Defence, the Democratic Republic of Merine, the Office of the Prosecutor, and Victims' Counsel, on the issues raised by the Defence. The Pre-Trial Chamber permitted the Democratic Republic of Merine to participate, though it is not clear to the Chamber that Merine's arguments about Head of State immunity and irregular rendition come within the purview of a challenge to jurisdiction or admissibility under Articles 19 and 17 of the Rome Statute. After duly considering the Parties' and Participants' submissions and the evidence summarized above, the Pre-Trial Chamber hereby makes the following findings and conclusions:

a. That the Prosecution has established substantial grounds to believe that Droganna Syrax ordered the war crime within the jurisdiction of the ICC of impeding the delivery of essential medical aid under 8(2)(b)(iii) and 25(3)(b) of the Rome Statute.

b. Pursuant to Article 27 of the Rome Statute, the Defendant's position as an incumbent Head of State does not preclude her trial by the ICC. The Pre Trial Chamber finds that Article 27

confirms that Head of State immunity is inapplicable to the International Criminal Court even where the Security Council has not referred the matter to the Court and where the State of the Defendant's nationality is not a party to the Rome Statute.

c. It is significant that Article 58 of the Rome Statute does not speak in terms of formal "extradition" and the traditional grounds for denying extradition are not applicable to the ICC. Rather, a range of "rendition" options were contemplated by the drafters of the Rome Statute. Pursuant to the customary international law doctrine of *male captus bene detentus*, which has been applied by other international criminal tribunals, the manner of the Defendant's arrest and rendition do not preclude the Court's exercise of jurisdiction and prosecution of the Defendant.

For these reasons, the majority of Pre-Trial Chamber XV hereby:

- Confirms the charges against Droganna Syrax;
- Rejects Droganna Syrex's claim that Head of State Immunity requires the ICC to dismiss the case;
- Rejects Droganna Syrex's claim that the irregular manner of her rendition to the ICC requires the ICC to dismiss the case; and
- Orders the Registrar to notify the parties and participants of this decision.

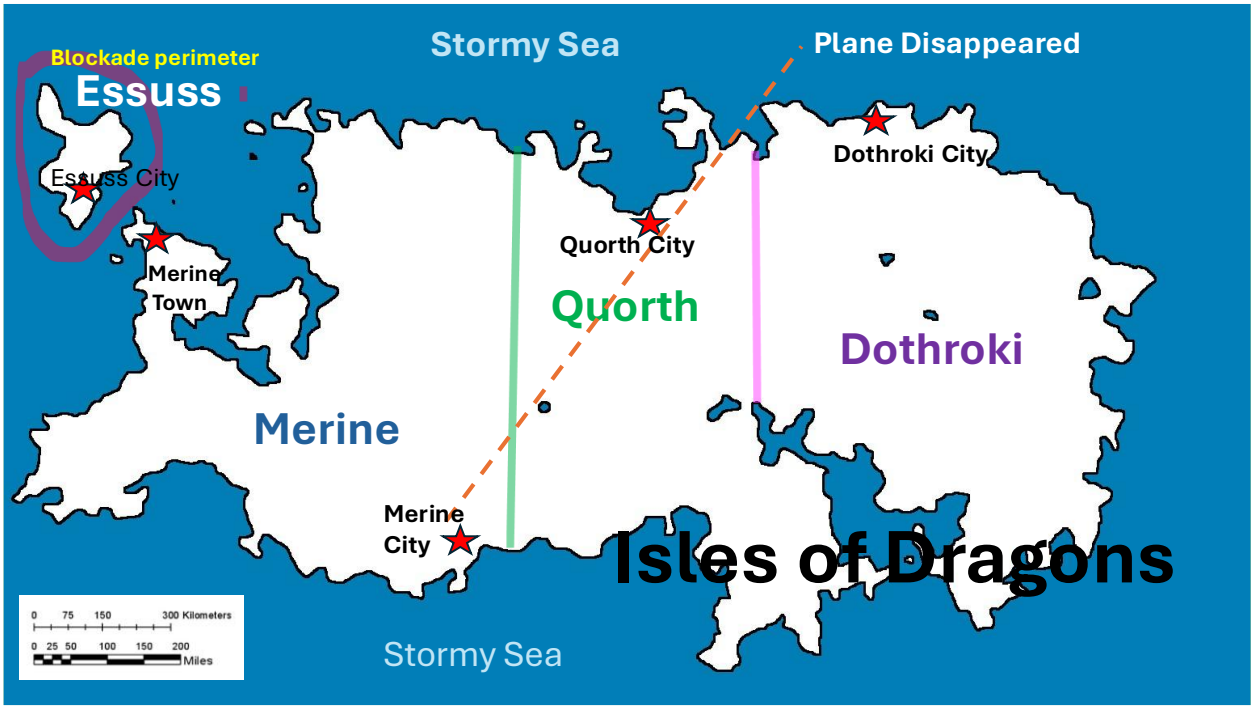
Dissent by Judge Variance:

I found the arguments of the Defence on all three issues persuasive, and I therefore dissent from the Decision of the majority of the Pre-Trial Chamber.

[Signed] Judge Friendly, Judge Learned, and Judge Variance (dissenting)
Dated 15 September 2025
At The Hague, The Netherlands

Corrected version issued on 15 December 2025

Appendix A
Map of the Area



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Corrections and Clarifications to the Problem

NOTE TO COMPETITORS

The IBA ICC Moot Court Competition Organization has received several requests for corrections and clarifications. Any request for correction or clarification not addressed in the following paragraphs has been considered to be unnecessary, redundant, inappropriate, or immaterial. In addition to listing the corrections and clarifications below, they have been incorporated into the Corrected Version of Pre-Trial Chamber XV's Decision which is attached and can be found on our website. The Corrected Version of the Pre-Trial Chamber XV's Decision supersedes the previous document.

CORRECTIONS/AMENDMENTS

Pre-Trial Chamber XV of the International Criminal Court (ICC) issues the following corrections/amendments to its decision on the Confirmation of Charges:

I. Typographical Errors

1. Para. 25(b) of the September version of the Pre-Trial Chamber's Decision stated:

"That the ICC cannot prosecute Droganna Syrax because she has Head of State Immunity as the sitting President of Syrax for three reasons:"

This sentence is corrected to read (revision in bold):

"That the ICC cannot prosecute Droganna Syrax because she has Head of State Immunity as the sitting President of **Merine** for three reasons:"

2. Para. 26 of the September version of the Pre-Trial Chamber's Decision stated:

"For these reasons, the majority of Pre-Trial Chamber XV hereby:
■ Confirms the charges against Droganna Syrex;"
That sentence is corrected to read (revision in bold):

"For these reasons, the majority of Pre-Trial Chamber XV hereby:
■ Confirms the charges against Droganna **Syrax;"**

II. The Map

3. Para. 3 of the September version of the Pre-Trial Chamber's Decision stated:

"Based on historical records, U.N. Reports, eye-witness testimony, hospital records, and news accounts presented by the Office of the Prosecutor during these proceedings, the Pre-Trial Chamber makes the following findings of fact related to this case (the map at Appendix A is included to provide visual context)."

This sentence is corrected to read (revision in bold):

"Based on historical records, U.N. Reports, eye-witness testimony, hospital records, and news accounts presented by the Office of the Prosecutor during these proceedings, the Pre-Trial Chamber makes the following findings of fact related to this case **(the map at Appendix A is not drawn to scale and is included merely to provide visual context).**"

III. Corrections Relating to the Issues to be Covered

4. The Third Paragraph of the September version of the Case stated:

"Government Counsel should address the Democratic Republic of Merine's right to participate in these proceedings. In addition, while the legal positions of the Counsel for the Defendant and the Government Counsel may overlap, during oral arguments the Government Counsel should endeavour to distinguish their arguments rather than merely repeat the arguments of the Counsel for the Defendant."

That paragraph is corrected to read (addition in bold):

"Memorials for all the Parties should address the three issues set forth in the Agenda for Appeal below, in the context of the Pre-Trial Chamber's Findings and Conclusions. They do not necessarily have to address every argument the Defense made before the Pre-Trial Chamber or follow the order of the Defense arguments.

In this case, the Democratic Republic of Merine, as a non-party State, does not seek to appear as an amicus, but rather as an interested State under Articles 19 and 17 of the Rome Statute. In addition to the Established Agenda below, the Appeals Chamber specifically directs the Government of Merine in these proceedings to argue why it should be granted standing to

participate under these articles. Government Counsel should address this issue in their Brief and will be asked about this during their presentation.

While the legal positions of the Counsel for the Defendant and the Government Counsel may overlap, during oral arguments the Government Counsel should endeavour to distinguish their arguments rather than merely repeat the arguments of the Counsel for the Defendant."

IV. Corrections Relating to the Standing of the Government of Merine

5. The first paragraph of the September version of the Case stated:

"This is a fictional case intended to educate students about the law and practice of the ICC. Participating teams will be divided into three roles: (1) Counsel for the Defendant, Droganna Syrax, who brings this appeal (the Defence); (2) Counsel for the Democratic Republic of Merine (the Government), participating under Article 19(2)(c) of the Rome Statute of the International Criminal Court; and (3) Counsel for the Office of the Prosecutor (the Prosecution)."

That paragraph is corrected to read (revision in bold):

"This is a fictional case intended to educate students about the law and practice of the ICC. Participating teams will be divided into three roles: (1) Counsel for the Defendant, Droganna Syrax, who brings this appeal (the Defence); (2) Counsel for the Democratic Republic of Merine (the Government), participating under **Articles 19 and 17** of the Rome Statute of the International Criminal Court; and (3) Counsel for the Office of the Prosecutor (the Prosecution)."

6. Para. 26 of the September version of the Pre-Trial Decision stated:

"The Pre-Trial Chamber permitted the Democratic Republic of Merine to participate, though it is not clear to the Chamber that Merine's arguments about Head of State immunity and irregular rendition come within the purview of a challenge to jurisdiction or admissibility under Article 19 of the Rome Statute."

That para is corrected to read (addition in bold):

"The Pre-Trial Chamber permitted the Democratic Republic of Merine to participate, though it is not clear to the Chamber that Merine's arguments about Head of State immunity and irregular rendition come within the purview of a challenge to jurisdiction or admissibility under **Articles 19 and 17** of the Rome Statute."

V. The Destruction of the Essuss Airport

7. Para. 10 of the September version of the Pre-Trial Chamber's decision stated in part:

"The late-night airstrike resulted in the destruction of Essuss's small air force including the helicopter gunships that Essuss had deployed against the Urrax protesters, but only a handful of deaths."

That sentence is corrected to read (addition in bold):

"The late-night airstrike resulted in the destruction of Essuss's **only airport and small air force** including the helicopter gunships that Essuss had deployed against the Urrax protesters, but only a handful of deaths."

VI. The WHO Report

8. Para. 13 of the September version of the Pre-Trial Chamber's decision stated in part:

"According to a 5 February 2025 report of the World Health Organization (WHO), which was monitoring the situation, in January 2025 there were 10,000 cases of Yaws in Essuss; in February that number had increased to 100,000 cases, with the number growing exponentially."

That sentence is corrected to read (revision in bold):

"According to a 5 February 2025 **publicly issued** report of the World Health Organization (WHO), **which was monitoring the situation since December 2024, by 1 January 2025 there were 10,000 cases of Yaws in Essuss; by 1 February that number had increased to 100,000 cases**, with the number growing exponentially."

VII. The Dothroki Cargo Ship

9. Para. 12 of the September version of the Pre-Trial Chamber's Decision stated:

"Compared to Essuss's scant naval forces, Merine has a substantial modern navy, consisting of 73 corvettes, frigates, and destroyers. In an effort to ratchet up the pressure on Essuss to rescind its anti-Urrax decrees, on 6 January 2025, President Syrax ordered the Merine navy to impose an armed blockade around Essuss. In publicly announcing the blockade that day, President Syrax stated that its purpose was to cut off all shipping to Essuss from foreign countries, including Essuss's major trading partner and close ally, the Republic of Dothroki. The Merine blockade ships were positioned just outside of Essuss's territorial waters. They warned approaching ships via radio that the Merine navy would use force if they tried to transgress the blockade. On one occasion on 12 February 2025, when a Dothroki cargo ship requested permission to pass through the blockade to deliver essential medicine to Essuss in accordance with international humanitarian law and the U.N. Charter, the Merine destroyer in the area answered by firing non-lethal tracer rounds across the Dothroki ship's bow, causing it to reverse course and return to Dothroki. After that, no ship approached the perimeter of the blockade.

That paragraph is corrected to read (revisions in bold):

"Compared to Essuss's scant naval forces, Merine has a substantial modern navy, consisting of 73 corvettes, frigates, and destroyers. In an effort to ratchet up the pressure on Essuss to rescind its anti-Urrax decrees, on 6 January 2025, President Syrax ordered the Merine navy to impose an armed blockade around Essuss. In publicly announcing the blockade that day, President Syrax

stated that its purpose was to cut off all **trade** to Essuss from foreign countries, including Essuss's major trading partner and close ally, the Republic of Dothroki. The Merine blockade ships were positioned just outside of Essuss's territorial waters, **15 nautical miles from the coast.** They warned approaching ships via radio that the Merine navy would use force if they tried to transgress the blockade. On one occasion on 12 February 2025, when a **Dothroki-flagged privately-owned commercial cargo ship** requested permission **via radio** to pass through the blockade to deliver essential medicine to Essuss in accordance with international humanitarian law and the U.N. Charter, the **Captain of the Merine destroyer denied permission. When the Dothroki ship nevertheless continued on its course, the destroyer fired** non-lethal tracer rounds across the Dothroki ship's bow, causing it to reverse course and return to Dothroki. After that, no ship approached the perimeter of the blockade.

VIII. The Rendition of President Syrax

10. Para. 20 of the September version of the Pre-Trial Chamber's Decision stated:

"A few weeks later, on 12 May 2025, President Syrax boarded her presidential Learjet known as "Friendship 1" at the Merine City airport and departed for a U.N. conference on climate change in the Solomon Islands. The Solomon Islands, which is not a party to the Rome Statute, had assured Merine that the ICC's charges would not affect President Syrax's participation in the conference. After passing over Quorth's airspace, Friendship 1 suddenly disappeared from radar. The government of Dothroki later disclosed that the pilot was a Dothroki agent who diverted Friendship 1 to the airport near Dothroki City. Upon landing, Dothroki security personnel forcibly removed President Syrax from the plane, anesthetized her, and placed her on a small privately-owned jet bound to The Netherlands. President Syrax was delivered, unharmed, twenty hours later to the custody of the International Criminal Court. The pilot of Friendship 1 was granted asylum in Dothroki while the other crew members and passengers were returned to Merine. In a press conference held outside the front entrance to the ICC, the government of Dothroki publicly claimed credit for President Syrax's rendition. Meanwhile, Dothroki's National Bar Association complained that the rendition of President Syrax violated Dothroki's national laws and procedures governing arrest and extradition, a conclusion that has not been disputed either in Dothroki's courts or before the ICC."

That sentence is corrected to read (revisions in bold):

"A few weeks later, on 12 May 2025, President Syrax boarded her presidential Learjet known as "Friendship 1" at the Merine City airport and departed for a U.N. conference on climate change in the Solomon Islands. The Solomon Islands, which is not a party to the Rome Statute, had assured Merine that the ICC's charges would not affect President Syrax's participation in the conference. After passing over Quorth's airspace, Friendship 1 suddenly disappeared from radar **over the ocean**. The government of Dothroki later disclosed that the pilot was a Dothroki agent who diverted Friendship 1 to the airport near Dothroki City. Upon landing, Dothroki **government** security personnel forcibly removed President Syrax from the plane, anesthetized her, and placed her on a small privately-owned jet bound to The Netherlands. President Syrax was delivered,

unharmed, twenty hours later to the custody of the International Criminal Court. The pilot of Friendship 1 was granted asylum in Dothroki while the other crew members and passengers **were permitted to return to Merine aboard Friendship 1**. In a press conference held outside the front entrance to the ICC, the government of Dothroki publicly claimed credit for President Syrax's rendition. Meanwhile, Dothroki's National Bar Association complained that the rendition of President Syrax violated Dothroki's national laws and procedures governing arrest and extradition, a conclusion that has not been disputed either in Dothroki's courts or before the ICC."

IX. The Defendant's Arguments

11. Para. 25(a) of the September version of the Pre-Trial Chamber decision stated:

"That the Prosecution had not established substantial grounds to believe that Droganna Syrax ordered the war crime of impeding the delivery of essential medical aid within the jurisdiction of the ICC for three reasons: (1) Merine's blockade occurred outside the territorial waters of Essuss and was therefore not within the jurisdiction of the ICC pursuant to Essuss's declaration; (2) the alleged humanitarian assistance mission was not "in accordance with the Charter of the United Nations" as there was no UN Security Council or General Assembly resolution calling for such a mission; and (3) as no ship attempted to run the blockade and no lethal shots were fired, the Defendant cannot be charged with "intentionally directing attacks against personnel or vehicles involved in a humanitarian assistance mission."

That paragraph is corrected to read (revision in bold):

"That the Prosecution had not established substantial grounds to believe that Droganna Syrax ordered **the war crime of intentionally directing attacks against personnel or vehicles involved in a humanitarian assistance mission in accordance with the Charter of the United Nations under Articles 8(2)(b)(iii) and 25(3)(b) of the Rome Statute** for three reasons: (1) Merine's blockade occurred outside the territorial waters of Essuss and was therefore not within the jurisdiction of the ICC pursuant to Essuss's declaration; (2) the alleged humanitarian assistance mission was not "in accordance with the Charter of the United Nations" as there was no UN Security Council or General Assembly resolution calling for such a mission; and (3) as no ship attempted to run the blockade and no lethal shots were fired, the Defendant cannot be charged with "intentionally directing *attacks* against personnel or vehicles involved in a humanitarian assistance mission."

12. Para. 25(c) of the September version of the Pre-Trial Chamber decision stated:

"Where a Defendant is rendered to the ICC in a manner contrary to the provisions of Articles 21, 59 and 91 of the Rome Statute, which require that the surrender comply with national law and human rights, the appropriate remedy is dismissal of the case and release of the Defendant."

That sentence is corrected to read (addition in bold):

"Where a Defendant is rendered to the ICC in a manner contrary to the provisions of Articles 21, 59, **89,** and 91 of the Rome Statute, which require that the surrender comply with national law and human rights, the appropriate remedy is dismissal of the case and release of the Defendant."

X. Corrections Relating to Impeding the Delivery of Medical Aid

13. The Established Agenda in the September version of the Case stated:

"a. Whether the Pre-Trial Chamber erred in concluding that the Prosecution had established substantial grounds to believe that Defendant Droganna Syrax ordered the war crime of impeding the delivery of essential medical aid within the jurisdiction of the ICC under Articles 8(2)(b)(iii) and 25(3)(b) of the Rome Statute."

That language is corrected to read (revision in bold):

"a. Whether the Pre-Trial Chamber erred in concluding that the Prosecution had established substantial grounds to believe that Defendant Droganna Syrax ordered **a war crime within the jurisdiction of the ICC under Articles 8(2)(b)(iii) and 25(3)(b) of the Rome Statute.**"

14. Para. 17 of the September version of the Pre-Trial Chamber's decision stated:

"Based on the evidence summarized above, on 15 April 2025, at the request of the Office of the Prosecutor, a differently composed bench of the Pre-Trial Chamber issued an arrest warrant for Droganna Syrax, finding that there were reasonable grounds to believe that she was criminally liable for ordering the war crime within the jurisdiction of the ICC of impeding the delivery of essential medical aid needed to treat civilians in the State of Essuss."

That language is corrected to read (revision in bold):

"Based on the evidence summarized above, on 15 April 2025, at the request of the Office of the Prosecutor, a differently composed bench of the Pre-Trial Chamber issued an arrest warrant for Droganna Syrax, finding that there were reasonable grounds to believe that she was criminally liable for ordering the war crime within the jurisdiction of the ICC **of attacking a humanitarian assistance mission and thereby impeding the delivery of essential medical aid needed to treat civilians in the State of Essuss**."

15. Para. 23 of the September version of the Pre-Trial Chamber decision stated:

"On 1 June 2025 the Office of the Prosecutor requested a hearing on the confirmation of charges pursuant to Article 61 of the Rome Statute. At the same time, the Office of the Prosecutor filed its Documents Containing the Charges ("DCC") pursuant to Article 61(3) of the Statute, charging Droganna Syrax with ordering the war crime of impeding the delivery of essential medical aid under Articles 8(2)(b)(iii) [intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations] and 25(3)(b) [criminal responsibility for ordering a crime under the Rome Statute]."

That language is corrected to read (revision in bold):

“On 1 June 2025 the Office of the Prosecutor requested a hearing on the confirmation of charges pursuant to Article 61 of the Rome Statute. At the same time, the Office of the Prosecutor filed its Documents Containing the Charges (“DCC”) pursuant to Article 61(3) of the Statute, charging Droganna Syrax **with ordering the war crime of intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations under Articles 8(2)(b)(iii) and 25(3)(b) of the Rome Statute.”**

The Pre-Trial Chamber orders the Registrar to notify the parties and participants of these Corrections and Amendments.

[Signed] Judge Friendly, Judge Learned, and Judge Variance
Dated 15 December 2025 at The Hague