

# THE PROSECUTOR V TECHNOLOGY

BEFORE THE INTERNATIONAL CRIMINAL COURT AT THE HAGUE

ASIA PACIFIC MOOT COURT  
NATIONAL & REGIONAL ROUNDS

2024 - 2025



ICRC

## SITUATION IN THE KINGDOM OF RUFUS

### PROSECUTOR V. TECHANON

#### 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.
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:
  - a. *The Court shall apply:*
    - I. *In the first place, this Statute, Elements of Crimes and its Rules of Procedure and Evidence;*
    - II. *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;*
    - III. *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.*
  - b. *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 in **Annex I** were in force for the Kingdom of Rufus and the Republic of Dave.

## **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/Publications/Elements-of-Crimes.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://ihldatabases.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. The Republic of Dave is a highly developed country in the with a population of 12,000,000 people. Its capital, Zing, is located in the centre of the country and is home to 2,000,000 people. The Republic of Dave is characterized as a mountainous region with plains to the west and mountain ranges to the north. Due to the richness of its soil, it has a thriving agricultural and natural resources sector. It is one of the largest exporters of natural gas and grain around the world which are the primary sources of its economy. It also has a moderately sized and sophisticated military with an arsenal of technologically advanced weapons.
2. The Republic of Dave shares a border with the Kingdom of Rufus. The Clemons were the first people to inhabit the territory. The Kingdom of Rufus was colonized in the 18th century, with colonizers slowly pushing the Clemon population to the north of the country in Rosebud Province. Since colonization, the increase in migration of the Clemon population has grown exponentially with 1.2 million Clemon inhabitants residing in densely populated mountain villages. The Clemon population residing in the Kingdom of Rufus have suffered through several hundred years of oppression, marginalization and discrimination by the Rufus Government. These injustices are notable and are reflected in their unequal treatment compared to the rest of the Rufus population. During colonial times, several civil wars were fought between the Kingdom of Rufus and the Clemon population over unequal treatment, living standards and land rights—most notably was the claim to sovereignty over a naturally formed rock monument, ‘ClemRock’. ClemRock was formed in Lake Veena—a lake that also flows into the Republic of Dave. Despite their fierce resistance, the Clemon militia were conquered and the Kingdom of Rufus claimed the monument as its own.
3. The Kingdom of Rufus is a kingdom in which the royal family controls all aspects of political life. King Rufus III, who ruled the Kingdom from 1963 until 2009, modernized the country and developed it economically. The Kingdom became one of the most prosperous countries in the region. The Kingdom’s main export is oil and gold, which make up 80% of the country’s exports. During King Rufus III’s reign, the Kingdom of Rufus maintained peaceful relations with neighbouring states and with the international community. The Kingdom of Rufus mainly relied on diplomacy and had a small, but well-equipped military. During his reign, the only significant dispute concerned the sovereignty of ClemRock—a culturally significant monument to the Clemon population. ClemRock is believed to be a symbol of divine feminine energy representing feminist values which underpins the Clemon religion. ClemRock is situated in close proximity to one of the largest gold deposits in the world.
4. Both the Rufus and Dave governments claim ClemRock as their own. In 1977, both countries agreed to submit the dispute to international arbitration. In 1979, the arbitration panel awarded sovereignty to the Kingdom of Rufus in an award that international law scholars have extensively criticized as a flawed application of the relevant international laws. The Republic of Dave refused to accept the outcome of the international arbitration and continued to contest the sovereignty of ClemRock in international fora. On 7 October 2009, King Rufus III unexpectedly died and was succeeded by his oldest son, who was crowned one week later, on 14 October 2009, as King Rufus IV. Like his father, King Rufus IV controls the government and is actively involved in foreign relations. As a head of State, he is equally the supreme commander of all armed forces of the Kingdom. His uncle, the younger brother of King Rufus III, Lieutenant General Rex Crendle (‘Lt. Gen. Crendle’) is the Chief of Staff of the Rufus Armed Forces (RAF).
5. From January 2010, there was a shift in the Rufus Government’s position towards the Clemon people as it knew it had to maintain healthy diplomatic relations between trade partners. This shift was reflected in progressive policies giving the Clemon population more rights and autonomy. The Rufus Government took multiple initiatives to improve the situation for the Clemon people with mixed results. After the adoption of anti-discrimination legislation, the Clemons’ situation

markedly improved, but they still face high levels of unemployment and incarceration. Over time, many Clemons emigrated to the Republic of Dave. At present there is a large Clemon population that reside in the mountainous regions of Rosebud Province, in the north of the Kingdom and to the West of the Republic of Dave. On 15 August 2010, the Kingdom of Rufus agreed to provide the Clemon community with autonomy of Rosebud Province. Under this agreement, Rosebud province enjoyed complete autonomy in managing its internal affairs, with the Rufus Government only in charge of the province's defence, foreign affairs and trade. The newly found stability in the Kingdom of Rufus attracted foreign investment, with a particular interest in the exploitation of the gold deposits under ClemRock. In 2013, the Kingdom of Rufus acceded to the Rome Statute of the International Criminal Court (ICC). One year later, the Rufus Parliament adopted the *International Criminal Court Act 2001*. The Rufus Parliament has ratified each of the subsequent amendments to the Rome Statute.

6. Rosebud Province has a population of 900,000 people and surrounds a lake which is fed through an underground aquifer. The aquifer is the only source of drinkable water in the province and also supplies water to surrounding border villages. In the past, the local Clemon population could only obtain water from the aquifer by drilling wells. After the conclusion of a concession agreement between an oil company and the Kingdom of Rufus, the oil company constructed an electrical substation. The substation powers the entire province and border villages in neighbouring Lotus Province. It pumps up water from the aquifer, which is heated and then produces steam. The steam is then channelled through a turbine where it generates electricity to power the entire province including government buildings, medical facilities, residential areas and schools.
7. The Kingdom of Rufus is an oil and gold rich state with a population of 5,000,000. Its capital, Mooseville, is home to 1,500,000 people. In addition to its abundant oil reserves, it has a keen interest in becoming a centre of technology—specifically in artificial intelligence (AI), internet services, and social media. After coming into power in 2020, the new government has focussed on maintaining its reputation as a peaceful democracy to foster friendly diplomatic relations with many countries around the world, particularly its trade partners. Its natural resources are the primary sources of its economy and wealth as a nation. To maintain its reputation, the Kingdom's largest state-run broadcasting network, RuTV broadcasts positive messages of hope and peace to its people. Under the rule of King Rufus III, censorship laws were enacted prohibiting people from criticising the government and its policies. This law was never repealed. To contain and prevent negative public opinion from spreading, the Kingdom of Rufus frequently engages in public campaigns to educate the public about its great nation and the freedoms and opportunities it provides to its people, including the Clemon population.
8. Despite the shift in government policy under King Rufus IV, discrimination and unequal treatment towards the Clemon population remained—albeit to a lesser degree. This was particularly reflected in the discrimination against women. Using a VPN to circumvent the Kingdom of Rufus' censorship firewalls, a prominent Clemon advocate, Jenna Tuck published an article on her blog about the Rufus Government's treatment, marginalization and discrimination of the Clemon people on its territory. Jenna Tuck is known for advocating for Clemon rights and freedoms, including speaking up against the Rufus Government's oppression. The article went viral, resulting in public outcry and international condemnation of the Rufus Government's restrictive policies on the Clemon people, especially on women. The Rufus Government viewed Clemon women as inferior and their rights to education, freedom of expression and right to life have been significantly curtailed.
9. Two days after the publication of the article, Rufus police arrest Jenna Tuck for committing an offence in contravention of the Kingdom of Rufus' censorship laws. This resulted in several (largely peaceful) protests in the capital, Mooseville, with a few becoming violent. NGOs and several United Nations (UN) agencies, including human rights committees, repeatedly shared allegations of human rights abuses towards the Clemon population and called on the Kingdom of Rufus to ensure that all discrimination and allegations of ill-treatment are promptly, impartially

and effectively investigated by an independent mechanism. The Rufus Government never responded to these calls. The frequency of demonstrations in Mooseville grew from several a year to monthly and sometimes fortnightly. In response, the Rufus Government imposed further restrictive measures on the Clemon population which resulted in growing resentment among the Clemon community—particularly those living in Rosebud Province and in the Republic of Dave. This resentment led to an eruption of violent protests and riots across the country. However, the violence was largely contained by local law enforcement.

10. Over the next few months, UN and NGO reports were published which disclosed findings of alleged human rights violations against the Clemon population. This led to a significant increase in negative media coverage of the situation in the Kingdom of Rufus. Several of the country's key trade partners withdrew from export agreements—except for the Kingdom of Rufus' closest ally and major trading partner, the Republic of Roco. To save its economy from plummeting, it entered into a trade agreement with the Republic of Roco to extract the gold deposits located under ClemRock. Following this agreement, demonstrations calling for a halt to the extraction spread across the country.
11. On 30 March 2022, a private mining company was instructed to commence the extraction of the gold deposits. While attempts were made to be as precise as possible in the extraction process, a large part of ClemRock was damaged. This caused an uproar in the Clemon community with several protests erupting in violence across Rosebud province.
12. At a local Clemons community meeting later that evening, several elders called on women of the community to band together to form an all-woman resistance movement called 'the Rebellion'. On 7 April, the newly formed political group distributed pamphlets and used social media channels to organise demonstrations. The Rebellion started wearing blue jumpsuits with an arm band with a white wolf and face masks printed with Jenna Tuck's face. Interviews conducted by RuTV with members of the Rebellion revealed a membership driven by feminist values opposed to Rufus Government policies. The Rebellion and their supporters also showed support to their fellow Clemon people residing in the Republic of Dave due to its Clemon-friendly policies.
13. Techmania is an infamous hacktivist group known for its activities throughout the region to achieve social change through unconventional methods. The group was formed by its leader, TechAnon and is comprised of highly skilled tech professionals specialising in information communication technology, AI and social media. Although several members of the group are located in different countries around the world, three key members including TechAnon have links to the Kingdom of Rufus. TechAnon is a national of the Kingdom of Rufus but is also a permanent resident of the Kingdom of Monstera. He has been described as an IT and AI visionary. He believes that AI will significantly improve the lives of people and make the world a better place. TechAnon is actively involved in different hacktivist projects under development and Techmania's members regularly send him detailed reports where he inputs and provides suggestions for improvements.
14. Due to Techmania's extensive ability to reach and sway public opinion, on 1 June 2022, King Rufus IV requested the group's assistance in his pursuit to disseminate positive information about the Rufus Government's efforts to promote the rights and freedoms of the Clemon population in order to counter the findings published in the UN reports. The King met with TechAnon and requested Techmania's assistance to inform Rufus citizens that "great changes are coming to the Kingdom of Rufus" and to remind them that,

*"the Kingdom of Rufus is the land of opportunity and a leader in technology and sustainability with plans to become the first country in the region to implement an 'e-city'."*

15. Based on Techmania's interests to significantly expand its networks, TechAnon agreed in exchange for a considerable sum of money. The campaign was a success that spread and quietened

negative international media coverage of the situation in the Kingdom of Rufus. Techmania used the payment to develop a social media platform ‘TechTalk’ to promote information about its projects and for people across the region to access and utilise to achieve social change. The platform was officially launched on 2 July 2022.

16. To increase support for the cause, the Rebellion used its social media channels, including TechTalk to recruit and expand its networks, calling on women to “fight the good fight” to support the Clemon population. The group had become such an icon of feminist ideals that it had garnered hundreds of members and thousands of supporters. Several hundred peaceful protests were held around the country in support of the movement to fight for Clemon rights and freedoms. According to RAF intelligence, encrypted messages on social media – specifically TechTalk – were used to organize and coordinate protests and acts of resistance against the RAF in Mooseville.
17. On 20 July 2022, the *Zing Daily* received an anonymous tip that the Rufus Government planned to detain large numbers of residents. The Rufus Government refused to comment. A week later, the Rufus Government held a video conference with TechAnon requesting access to the data of TechTalk users. The Government also asked for access to all data collected as part of the smart city project in Mooseville in order to identify the protesters and Rebellion sympathizers. TechAnon, supported by his legal team, initially refused to hand over the data, citing privacy concerns. However, the Rufus Government warned that a court order would be sought to release the data as this was a matter of national interest as per national security legislation. TechAnon subsequently agreed to grant access to the data.
18. In August 2022, to help maintain law and order, the Rufus Government issued a directive requiring police permission for anyone wishing to hold a demonstration. Throughout September 2022, the Rebellion organized several peaceful demonstrations via TechTalk. On 15 October 2022, a peaceful protest escalated into violent attacks against Rufus police. Rufus police deployed teargas and tasered several protesters in the crowd. A few days later on 18 October 2024, hundreds of Rebellion members clashed with Rufus police, civil society and Rebellion supporters. According to government officials, a total of 50 people died, with 120 others injured and many vehicles and buildings damaged. Rufus police arrested more than 50 Rufus citizens in connection with the clash, including Rebellion members.
19. On 28 October 2022, at 11:30 pm, local police officers in Mooseville chased 15-year-old Sarah Hurley through the streets of Mooseville after they caught her graffitiing pro-Rebellion slogans on public property. During the chase, the police mistakenly believed Hurley was in possession of a gun, which led them to fatally shoot Hurley.
20. The death of Sarah Hurley caused widespread upheaval across the country. The Rufus people protested against the government. When authorities tried to quell protesters, they became increasingly violent. On 3 November 2022, sit-ins were organized by Rebellion members, roads blocked, and stones and other projectiles hurled at the police. Riots became a daily occurrence and local government buildings were occupied and partially destroyed by homemade explosive devices made by Rebellion members.
21. On 8 November 2022, the Rufus Government increased its police presence and requested assistance from the RAF if tensions continued to escalate. The RAF Intelligence Division found that encrypted messages on social media were used to organize and coordinate protests and acts of resistance against Rufus government authorities across the country, including boycotts, demonstrations and the storming of key government buildings. King Rufus IV issued an internal memo to all RAF members that if the Rebellion continued to resist, that this would be an “*all-out war to take down these terrorists!*”

## **Project Hawk**

22. On 14 November 2022, Lt. Gen. Crendle secretly contacted TechAnon with a request for Techmania to develop an AI programme that could help distinguish civilians from Rebellion members. The next day, TechAnon accepted the request on behalf of Techmania. TechAnon advised that Techmania had developed an AI programme, 'Project Hawk', which is normally used to secure airports and public transportation areas against terrorist attacks. Through the use of cameras, the programme is able to identify people in crowds whose behaviour is suspicious. It can also analyse whether those people are likely to carry weapons. TechAnon explained that Techmania software developers would be able to customize the software according to the RAF's preferences and integrate it into the targeting systems of RAF armoured vehicles and other autonomous systems.
23. Lt. Gen. Crendle was delighted with TechAnon's response. An agreement was signed on 16 November 2022 between the RAF and TechAnon for the provision of Techmania's services. It stipulated that Techmania would have a designated workspace located in the RAF Intelligence Division, given the project's highly classified nature.
24. On 19 November 2022, in an effort to foster meaningful diplomatic relations and as a strong show of solidarity, the Kingdom of Rufus endorsed the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas.
25. Between 28 November and 19 December 2022, the militarized version of the Project Hawk software was tested in computer simulations with generally satisfactory results. Internal Techmania memos revealed that Project Hawk had no issues identifying individual threats or threats in small groups of individuals. However, with groups of 50 people or more, the results indicated a higher likelihood that the software would malfunction due to the increased data processing times.
26. The findings of the simulations were provided to Lt. Gen. Crendle for his decision on whether to proceed. On 5 December 2022, RAF armoured vehicles were tested in mountainous terrain in the north of Lotus Province. Through optical sensors, its targeting system was programmed to automatically identify potential threats, select targets and open fire in 10 seconds, unless the human operator decided to either manually fire or abort the operation. The Project Hawk software collected data on threat identification and target selection and sent this data to RAF servers, accessible to all RAF units. RAF units reported fewer civilian casualties with significantly less damage to civilian objects compared to ordinary armoured vehicles without the software. The data equally demonstrated that the operators opened fire 3.5 seconds after the target was acquired. Rarely did RAF operators abort fire.
27. RAF legal officers conducted reviews of these weapon systems to assess their legality before they could be employed, pursuant to Article 36 of Additional Protocol I. However, as the software was developed by Techmania, the legal officers did not have the technical expertise to understand the algorithms and therefore struggled to understand how the targeting system arrived at a particular decision. Yet, due to the pressure from Lt. Gen. Crendle and the weapon system's impressive targeting precision, the legal review assessment outcome confirmed the weapon system's legality. The software was installed on all RAF armoured vehicles.
28. On 20 December 2022, due to the unrest that followed from Sarah Hurley's death, King Rufus IV declared a state of emergency and called on RAF to support Rufus police. On 21 December 2022, the Rebellion organized a rally in Mooseville Plaza to commemorate her death.



29. Three days before the rally, the Rebellion used its social media channels to call on all those in support of the cause to block the streets and to stall the advance of any Rufus security forces. Around Mooseville Plaza, barricades were erected with civilians behind them, holding banners with pro-Rebellion slogans calling on the Rufus government to free the Clemon people. In line with the movement's values of respect, dignity and freedom, Rebellion members advised those attending to bring any weapons available as the RAF "*are very unpredictable and are capable of responding with violence*". The day before the protest, the Rebellion's leader, Frida Lahlo, briefed the attendees via social media on measures to be taken "in case of an emergency" and advised attendees not to fear, and that, "*the protest will take place in full force regardless of any obstacles*".
30. On the day of the rally, Rebellion members were armed with a few small arms and light weapons such as revolvers, self-loading pistols, assault rifles, and light machine guns in the event of a potential attack. Many Rebellion supporters were also dressed in similar clothing as Rebellion members with slight differences in uniform—some wore blue jumpsuits with a white wolf as an arm band and others wore wolf masks with blue jumpsuits. RAF and Rufus police units were ordered to prevent any escalation of violence from occurring. During the rally, the RAF's unit of 10 armoured vehicles arrived at Mooseville Plaza. The square was blocked by approximately 250 civilians. While the protest was initially peaceful, tensions quickly began to escalate. One of the protesters was quite drunk and started an argument with a RAF soldier. Rufus police intervened, tackling the protester to the floor and subsequently arrested her. In response, people from the crowd became agitated and more aggressive, swearing and pushing police and RAF personnel in the vicinity.
31. The RAF commander, Major General Escobar intervened and negotiated the peaceful evacuation of the plaza. During the negotiation, the optical sensors of one of the vehicles identified a potential threat in a building behind the protesters which looked like an armed Rebellion member. The RAF operator of the vehicle immediately opened fire at the building based on Project Hawk's target identification. Some panicked protesters believed they were the object of the attack and threw stones and iron bars at the armoured vehicle in addition to two others parked adjacent. The two armoured vehicles identified these civilians as potential threats and 10 seconds later, they automatically opened fire, killing 90 people and wounding 50 more. Two other armoured vehicles identified a sea of blue uniforms and, recognizing these as threats, started firing 10 seconds later. A further 50 Rebellion supporters and 20 Rebellion members were killed. The data later indicated that the software failed to correctly identify the uniforms of Rebellion members and instead identified all persons wearing blue as potential threats. This was never tested in the testing and evaluation stage of the legal review process. In retaliation, Rebellion members fired shots directed towards the RAF and Rufus police. Five Rebellion supporters in the crowd armed with pistols also started shooting at police and RAF. Five Rufus police officers were killed, and 2 RAF soldiers were seriously injured.
32. In the immediate aftermath of what was dubbed 'the Mooseville Plaza massacre', messages expressing fierce allegiance to the Rebellion were trending on social media. Leveraging this wide support, Frida Lahlo held a meeting with Rebellion members. She exclaimed, "*our people have been marginalised and oppressed for too long. It has to stop, and it will stop NOW. This is war!*".
33. On 23 December 2022, the Rebellion expanded its recruitment of members. Given the significant increase in Rebellion members into the thousands, many of them former RAF military personnel, Lahlo realized the need to acquire more weapons with high levels of sophistication in order to defeat the Rufus Government. International and regional media outlets such as the *Zing Daily* reported on the Rebellion's recruitment campaign and interviewed Lahlo. In the interview, she called on anyone willing to provide the Rebellion with financial support to help liberate the Clemon people.

34. Two days later, Prime Minister Jono Romo of the Republic of Dave contacted Lahlo and entered into an agreement to support the Rebellion financially and militarily in exchange for gold deposits after hostilities ceased. Over the Christmas and new year period, the Rebellion invested heavily in training led by new recruits who were former RAF members and convened regular meetings to discuss its operational strategies. It also set up its headquarters (HQ) in an abandoned storage facility connected to Rosebud Hospital through a 500m long tunnel, where it also stored its military arsenal. By 6 January 2023, the Rebellion acquired 200 precision guided munitions, 30 drones and 20 fighter jets from the Republic of Dave. Rosebud Hospital is the only fully operational hospital in the province.
35. On 12 January 2023 at 11:00 pm, Rebellion members deployed two drones armed with precision-guided missiles to bomb a RAF military storage facility. Five RAF soldiers were killed from the explosion. Rebellion fighters then advanced to the facility, and successfully captured 5 RAF armoured vehicles containing machine guns, grenades, rocket propelled grenades and ammunition.
36. On 13 January 2023, King Rufus IV made a televised statement strongly condemning the attack on RAF soldiers and demanded the return of the stolen vehicles, weapons and ammunition. He called for the arrest and punishment of all responsible Rebellion members, compensation for the loss of life of RAF soldiers and assurances of non-repetition. On the same day, in a note verbale to the UN Security Council, the Kingdom of Rufus stated that it regarded the situation in its territory as a threat to international peace and security. The UN Security Council however did not adopt any resolution. On 16 January 2023, the Rebellion denied any responsibility for the alleged acts and rejected King Rufus' demands.
37. On 2 February 2023, RAF intelligence reports revealed that the Republic of Dave had been providing the Rebellion with military and financial support. The reports claim that the Republic of Dave was behind the attack on the RAF storage facility. Further details indicated that the Republic of Dave supplied the Rebellion with modern weapons and ammunition in the event of a potential civil war. In a media interview at a local radio station, when questioned, Prime Minister Romo denied the allegations. However, he described the situation in Rosebud Province as "distressing" and that he finds it difficult to watch his fellow Clemons be treated unfairly.
38. On 5 February 2023, the RAF launched air strikes primarily targeting Rebellion members residing in Rosebud Province. Many of the individuals targeted were located in the northern part of the province away from the rest of the Clemon population. Ten Rebellion members were killed.

### **Operation Dark Horse**

39. Maj. Gen. Escobar received unverified intelligence that the Rebellion was using the Rosebud Hospital as its headquarters and storing its weapons in a nearby storage facility. On 12 February 2023, TechAnon received a request from King Rufus IV for Techmania to start a dissemination campaign claiming that the Rebellion Movement is a terrorist organisation with plans to destroy the Kingdom of Rufus and its people.
40. King Rufus IV convened a closed-door meeting the following day with TechAnon, RAF Head of Intelligence, RAF Head of Operations, RAF Head of Military Strategy and the Chief of Staff (Lt. Gen. Crendle). The purpose of the meeting was to discuss the military strategy to win the war through a dissemination campaign. King Rufus IV sought TechAnon's technical expertise and input given his significant contributions to the RAF's war efforts to date. TechAnon sought clarification on what the campaign would involve. King Rufus IV informed him that the objective was to influence behaviour and turn people against the Rebellion. TechAnon asked if this was legal, to which Lt. Gen. Crendle reassured him that information operations have long been part of armed conflicts and that he has nothing to worry about. On this basis, TechAnon agreed to assist in the operation and suggested that he could use TechTalk as a platform to disseminate the information.

41. Correspondence following the meeting indicated that all members agreed to the campaign to destroy the Rebellion’s reputation by leaking a doctored RAF intelligence report detailing the use of Rosebud Hospital as its headquarters. Given Techmania and TechAnon’s expertise in AI, TechAnon suggested that a ‘deepfake’ video could be created to portray the Rebellion as the ‘enemy’. However, no concrete details were elaborated.
42. On 15 February 2023, a stream of messages flooded social media platforms, national and international media outlets, fuelling the narrative that the Rebellion were terrorists. These messages were also disseminated within military bases of RAF. Over the next 2 months, there was a clear divide in public opinion—with even some members of the Clemon community turning against the Rebellion. The opposition against the Rebellion was reflected in bouts of violence across the country, where racially motivated stabbings and other killings targeting Clemons occurred.
43. To fuel further hatred and fear towards the Rebellion, Techmania leaked the findings of the doctored RAF intelligence report to the media showing that Rosebud Hospital was being used as Rebellion’s headquarters and that the medical personnel were not actually doctors. Shortly after the report was leaked, Techmania anonymously published a deepfake video using state-of-the-art AI to portray a Rebellion member dressed in doctors’ scrubs torturing an unknown male with surgical tools.
44. The Rufus Government subsequently issued the below statement to all residents of Rosebud Province and surrounding villages:

*“ATTENTION: To all residents of Rosebud Province and surrounding villages, a video has been leaked which reveals the true nature of Rosebud Hospital personnel. The Rufus Armed Forces Intelligence Division has verified this video and has confirmed that Rosebud Hospital staff are actually Rebellion fighters. For your own safety, do NOT visit the hospital under any circumstances. The Rufus Armed Forces are working tirelessly to eradicate each and every one of them.”*
45. By 10 April, 30% of the Clemon population had stopped attending Rosebud Hospital for treatment out of fear that they would be attacked by Rebellion members.
46. On the night of 11 April, Maj. Stewart ordered his troops to conduct artillery strikes around Rosebud Hospital, with the storage facility as its primary target. The strikes caused the ammunition and grenades to ricochet off one another, causing a large explosion. Twenty medical personnel, 15 Rebellion members and 50 others were killed—the majority of whom were expectant mothers and young children.
47. The following day, Frida Lahlo denounced the attack as an unlawful use of force against the hospital and medical personnel and claimed that the Kingdom of Rufus was committing war crimes. King Rufus IV made a public statement refuting the allegation and declared that the attack was lawful as a necessary measure for RAF to finally “neutralize the terrorist organization”. King Rufus IV acknowledged the unfortunate loss of civilian life adding that this was simply collateral damage and that the attack was otherwise lawful under IHL. He exclaimed:

*“The RAF’s military operations aimed to remove the threat posed by the Rebellion to the Rufus population as a whole. I therefore warn all you Rebellion rats to surrender because this war will only continue to destroy you. For those of you who even attempt to assist these terrorists, you will go down in flames”.*
48. Devastated by the horrific attacks on the Rebellion and the Clemon people, Lahlo sought advice from Prime Minister Romo. Based on the claims made in the RAF intelligence reports, she was

worried about future RAF retaliation against the Rebellion and that they would be ill-prepared for further attacks on its members.

49. In response to Lahlo's concerns, on 14 April 2023 Prime Minister Romo appointed Col. Smith of the Dave Armed Forces (DAF) as a military advisor to the Rebellion. In this capacity, Col. Smith attended virtual meetings with Rebellion leadership to discuss the ongoing hostilities against the RAF. Rebellion members provided Col. Smith with regular updates on operations in the field. Col. Smith also shared with Lahlo intelligence from the DAF's sophisticated military technology, including the mapping of RAF military bases and its planned military operations. Col. Smith reassured Lahlo, *"not to worry, this is far from over, we will win this war"*.
50. The Republic of Dave also sent the Rebellion more military equipment, including drones and autonomous fighter jets. Acting on Col. Smith's advice, Lahlo and members of the Rebellion travelled to the border of Rosebud Province and launched several missile strikes on RAF military positions. This was a significant blow to the RAF's operations. Maj. Gen. Escobar was forced to revise planned manoeuvres and to be more strategic in the RAF's approach.

### **Operation Silver Fox**

51. On 4 May 2023, Lt. Gen. Crendle convened a meeting with Maj. Gen. Escobar, King Rufus IV and TechAnon at RAF HQ where they discussed strategic, operational and tactical planning "to take down the enemy". The objective was to disrupt communication links between the Rebellion's central command, front-line fighters and the Republic of Dave in order to neutralize the enemy and to prevent the planning of further military operations.
52. At the meeting, Maj. Gen. Escobar advised King Rufus IV of the plan to target the Rebellion's headquarters, by temporarily disabling Rosebud Province's power grid followed by a cyber-attack. He explained the attack would be carried out in two phases. Phase One would consist of targeting Rosebud's electricity grid to cause a blackout for 4 days in order to suspend communications between the Republic of Dave and the Rebellion through a kinetic attack on its electric substation. Phase Two would be launched immediately after the electricity has been restored, to ensure all satellite communications would be inaccessible between the Republic of Dave and the Rebellion for a period of 20 days.
53. His eyes shifting from the King, Maj. Gen. Escobar turned to TechAnon for advice on whether it was possible to hack into a commercial satellite called *Marlink*. *Marlink* is licensed in the Democratic Republic of Trey and used in the Republic of Dave by the Rebellion. He added that *Marlink* also provides telecommunication services to the public in the Kingdom of Rufus and in the Republic of Dave. Conscious of this fact, he asked whether it was possible to target the specific military communications component of *Marlink* rather than the satellite as a whole. TechAnon advised:

*"It would be difficult, but it's not impossible. Techmania has never actually hacked into a satellite provider before, but we have previously developed malware to temporarily shut down networks to certain government agencies. How it would work is that malicious malware would be spread to compromise Marlink's ground networks, forcing its modems to freeze and shut down."*

54. After careful consideration, Lt. Gen. Crendle requested Techmania's assistance to hack into *Marlink* in return for a significant sum of money. Lt. Gen. Crendle reassured TechAnon that the attack would be the safest possible option for the civilian population as it would not result in any civilian casualties. King Rufus IV endorsed the plan and told Maj. Gen. Escobar to *"strike hard against those Rebellion and DAF rats by all means necessary"*. He added that *"the neutralization of the hospital is paramount to winning this war!"*

55. Mindful of the Kingdom of Rufus' recent endorsement of the political declaration on explosive weapons in populated areas, Lt. Gen. Crendle sought to fulfil the Kingdom's commitments under the declaration by issuing a directive requiring division commander authorisation for any use of explosive weapons where there is a concentration of civilians and civilian objects. After careful consideration, Maj. Gen. Escobar instructed RAF troops to target Rosebud Province's electrical substation by using precision-guided missiles. These missiles were developed by the Kingdom of Rufus to specifically minimize collateral damage. A collateral damage estimate indicated that there would be a 35% probability that civilian damage would occur around the substation. To mitigate the risks to civilians, text messages were sent out requesting civilians to evacuate the surrounding areas and advised that there would be a blackout for the next few days.
56. On 12 May at around 9:00 pm, Maj. Gen. Escobar ordered RAF troops to launch the missiles. The attack caused a large explosion, killing 50 people and destroyed several residential apartment buildings in the surrounding area and caused a 1-week blackout across the province. Electricity was restored after 6 days of major repairs.
57. Later that night on 18 May, Techmania conducted a cyberattack, spreading malware to the *Marlink* satellite ground network modems. The following day when *Marlink* employees tried to log on to their computers, the software wiped out all their data, freezing and shutting down their systems. A few hours later, Techmania identified an issue with the malware. The malware had spread to the entire satellite network, instead of the military communications segment of the network alone. A Techmania member, Snowy Allen, informed TechAnon of this error. TechAnon subsequently advised Maj. Gen. Escobar of the issue and warned that it would take up to 30 days to rewrite the software for the satellite to be operational again. On 6 June 2023, the network became fully operational.
58. The attack deeply impacted the lives of those living in and around Rosebud Province and the rest of the country, the Republic of Dave and parts of the Democratic Republic of Trey. The absence of satellite data for navigation crippled the aviation and transport sectors in all three countries. The outage disabled tens of thousands of modems that communicate with the Global Positioning System (GPS) satellite, disconnecting internet connectivity to thousands of people in the affected areas. The Kingdom of Rufus was the worst affected—with all flights, trains and oil exports via shipping routes grinding to a halt as well as massive traffic jams across the country. The Democratic Republic of Trey's primary energy sources is derived from wind turbines which were connected to *Marlink's* modem. Due to the outage, approximately 500 wind turbines became disconnected but, luckily, they were still able to operate on 'auto mode'. The Kingdom of Rufus and the Republic of Dave's banking systems, financial markets and power grids were all heavily impacted due to the loss in time synchronisation, which resulted in economic crisis and power outages.
59. The loss of power directly impacted the functioning of Rosebud Hospital. The hospital relied on emergency generators for 4 days, however within the next 48 hours the hospital ran out of fuel and lost power. People from remote villages were unaware of the power outage and continued to travel long distances to the hospital for medical care—unable to receive care, many of them died. Several deaths were also caused by the hospital's inability to carry out medical procedures and operations due to the lack of refrigerators to preserve medicine and the inability to access critical health data. Urgent surgical operations had to be postponed and the disruption caused delays in processing medical tests. Many health conditions were thus left untreated resulting in the person's overall health to deteriorate.
60. Throughout Rosebud Province, water and sanitation plants began to collapse due to the lack of electricity to pump water through their systems. This resulted in contamination of the water supply. After several weeks in poor hygiene conditions, an outbreak of infectious diseases occurred resulting in diarrhoea and cholera. Despite concerted efforts of medical personnel, hundreds of people died.

61. In June 2023, a UN report published findings that more than 150 wounded and sick Rebellion members died from the failure to carry out medical procedures and at least 500 civilians (mostly elderly and infants) died from water-borne illness.
62. The Rebellion was unable to communicate or plan any further operations—with many of its autonomous capabilities relying on satellite GPS data to operate. The Rebellion was forced to evacuate its HQ and moved further up north in a remote location surrounded by mountains and forests.

### **Archie the TechBot**

63. On 15 June 2023, following the cyberattack on the powerplant, Lt. Gen. Crendle was so impressed with TechAnon's efforts that he made another request to create a highly sophisticated AI machine learning program to be installed in a fleet of autonomous fighter jets as well as drones to gather intelligence. After the impact of Operation Silver Fox, TechAnon said he would only create the software if the RAF could guarantee that he would not be held responsible for any wrongdoing. Lt. Gen. Crendle emphasized that the previous attack was permissible under the law of armed conflict and that the consequences were merely collateral damage. He advised TechAnon with confidence, *"you don't need to worry about all of that—I am a Lieutenant General. Based on my significant experience in combat operations, I can assure you, you are in good hands"*.
64. Reassured by his remarks, TechAnon agreed to his request. During secret talks between the RAF and Techmania members, TechAnon informed Lt. Col. Crendle that Techmania had developed an experimental AI programme, Archie the TechBot. Archie is a self-learning AI programme that independently collects data through drones. It then analyses the data and uses the outcome of the analysis to select targets. Archie the TechBot also responds to voice commands. TechAnon assured Lt. Gen. Crendle that after further development of its software, Archie the TechBot could become fully operational by 1 July 2023.
65. In the month of June, Archie the TechBot's software was programmed based on known operational and tactical manoeuvres employed by Rebellion fighters. The software was programmed to recognize the Rebellion's distinctive sign—a white wolf on a blue background. Since the Rebellion fighters operated in small groups, the software was programmed to focus on small groups of people. Archie was also provided with the last known locations of the Rebellion command centres in the mountains north of Rosebud Province.
66. A fleet of autonomous fighter jets were deployed as a test run to target a senior member of the Rebellion, Koko Loco. Prior to its deployment, RAF Air Force Commander, Admiral Lydie Koby requested Archie the TechBot for the best strategic positioning against the Rebellion's military operations. The data showed that those groups frequently met near small, abandoned villages and historical monuments which dotted the mountainous region north of Rosebud Province and were often the only landmarks in the area. Archie also discovered important Rebellion command centres and munition stockpiles in abandoned and dilapidated nursing homes in the north of the province. On 5 July 2023, Admiral Lydie Koby asked Archie to launch the autonomous fighter jets. Archie successfully carried out numerous strikes against Rebellion fighters, including Koko Loco, with minimal civilian casualties.
67. After the successful deployment of Archie the TechBot, Maj. Gen. Escobar wanted to strengthen RAF's defensive capabilities and strike the Rebellion fighters even harder. The following month, many wounded Rebellion fighters were transported to the Mountainview Nursing Home. It was one of the last remaining operational nursing homes in the province and provided basic medical procedures to nearby villages. The nursing home was the only available medical care to Rebellion fighters. Wounded fighters were brought to the nursing home in vehicles marked with a red cross on a white background. For a period of 12 days, Archie drones collected data on the activities

around the nursing home. On 20 July, an Archie fighter jet struck an ambulance parked outside the main entrance of the nursing home, killing an unknown number of patients and medical staff—including the elderly, children, and 20 wounded Rebellion fighters (5 of whom were inside the ambulance).

68. During the Dave Government's criminal investigation into TechAnon, internal memos revealed that the software developers who programmed Archie's algorithms had reported several issues to TechAnon. The AI component of the algorithm struggled to make decisions in situations when the identified target was not clearly a military objective or combatant. TechAnon instructed the software developers to re-program the algorithms as much as possible to prevent Archie from accidentally targeting civilians or civilian objects. The software engineers expressed doubts, noting that further developments would be insufficient to ensure Archie the TechBot would make the correct decision. In his response via email, TechAnon asked the software engineers to keep a close eye on Archie's progress and to continuously develop the targeting algorithms as required.

### **ProjectIntegr8**

69. Once several Rebellion targets had been neutralized, King Rufus IV urged the government to refocus its attention to bringing peace to the country and to implement its e-governance system. The Rufus Government requested Techmania's assistance with the project in exchange for the most significant amount of money it had been offered to date. Given Techmania's interests to expand its operations across the region, it could not decline the offer. Techmania was requested to implement an e-governance and smart city system. On behalf of Techmania, TechAnon agreed, explaining that it had already run similar projects in neighbouring countries. Through public CCTV cameras, numerous apps and social media on smartphones, real time data is collected from various sources such as transit, traffic, health services, security, and community news. The data is collected with the consent of the users and is stored on servers in the port city of El Contra Kantro (ECK) in Sunflower province. Mooseville is the first city in the Kingdom to test the project as a pilot.
70. In August 2023, using the data provided by Techmania, RAF and police made mass arrests of Rufus residents who supported the Rebellion or were involved in the protests a few months prior. The large-scale arrests attracted widespread media coverage.
71. On 7 September 2023, the Rufus Government held a meeting to discuss how to deal with the mass arrests. It soon became apparent that there were not enough facilities to hold all arrestees for a longer duration. The government had no capacity to house all individuals arrested for expressing support for the Rebellion, which made up the majority of the arrestees.
72. During the meeting, the Rufus Minister of Justice noted that Techmania had developed a programme in the Republic of Dave called 'ProjectIntegr8' which was used to monitor prisoners who were deemed fit to re-enter society. How it works is that prisoners are assigned residences with special magnetic locks which can be unlocked by an app installed on a smartphone. Every time a prisoner wants to leave their residence, they would be required to submit a leave request in the smartphone app. If the software approves the request, it will unlock the door. During their leave time, the location of the prisoner would be broadcast onto the smartphone's app and this would activate public CCTV cameras to instantly locate the prisoner if they deviated from their leave location or attempted to escape.
73. On 15 September 2023, to contain the threat posed by the Rebellion and any further attacks, King Rufus IV contacted TechAnon to inquire about the implementation of ProjectIntegr8 in Mooseville. In a video conference with TechAnon, King Rufus IV, Lt. Gen. Crendle and Maj. Gen. Escobar made extensive inquiries about ProjectIntegr8 and asked if it could be used to monitor larger groups of people who pose security threats. No mention was made of the use of ProjectIntegr8 in the Republic of Dave. TechAnon confirmed that with some adjustments,

ProjectIntegr8 could be used in a similar manner and reassured that the updated version of the software could be launched by 1 October 2023.

74. Between October and November 2023, Lt. Gen. Crendle ordered the RAF to assist the Rufus Government to implement ProjectIntegr8 in Mooseville following the mass arrest of Rebellion sympathizers who were involved in spreading messages of support to the Rebellion. Among the arrestees were 7 wounded Rebellion members requiring medical care, 30 Rebellion sympathizers, 1 doctor and a former Techmania member, Snowy Allen (a Republic of Dave national) who was accused of espionage and was part of Operation Silver Fox.
75. The 30 Rebellion sympathizers and doctor were confined to their homes, which were outfitted with special magnetic locks that could be opened by using the smartphone app. They were able to leave their homes at designated times for groceries, medical visits or leisure activities. Their location was constantly monitored by the smartphone app and on security cameras throughout Mooseville. Any arrestees who violated the restrictions faced imprisonment. Every 3 months the government would review whether the restrictions against a particular individual should be maintained.
76. As for the 7 wounded Rebellion members and Snowy Allen, conditions were more stringent. They were held together in a 4-bedroom apartment, with two people in bunk beds in each room. While they were permitted to leave the apartment for medical purposes, they were continuously supervised by a male RAF soldier. One Rebellion member was pregnant. Over the course of 1 month, 6 Rebellion members required sanitary pads but were provided with only 2 boxes of 12 pads each. All arrestees were given the same food to eat—including the pregnant Rebellion member. Despite numerous complaints made, they remained unheeded until only 1 month before their release. Rebellion members requested more sanitary pads, nutritious food to help them heal, pregnancy-friendly food, and the separation of quarters as 1 Rebellion member shared a room with Allen.
77. Outraged by the situation in the Kingdom of Rufus, the Democratic Republic of Trey referred the situation to the ICC on 26 January 2024. At the same time, the Democratic Republic of Trey launched investigations into whether Techmania was supplying weapons and technology to the Kingdom of Rufus. On 9 February 2024, the Democratic Republic of Trey issued an arrest warrant against TechAnon for the transfer of illegal weapons to the Kingdom of Rufus. However, TechAnon had already fled the country to the Kingdom of Monstera. On 12 February 2024, the Democratic Republic of Trey requested the Kingdom of Monstera to extradite TechAnon. This request was refused. Two days later, the Democratic Republic of Trey submitted evidence to the Office of the Prosecutor of the ICC. The Democratic Republic of Trey indicated that under its national law, it was unable to open a criminal procedure against TechAnon in his absence on its territory. The Kingdom of Monstera also declined to open any criminal investigation into TechAnon.
78. On 18 March 2024, the ICC issued an arrest warrant against TechAnon. The next day, Monstera police officers arrested him at his family's house in Monstera. On 23 March 2024, TechAnon was transferred to the ICC detention facility in The Hague. TechAnon, whose true identity was finally revealed to be Ashley Krish, has since protested his arrest and maintains his innocence, calling the charges unjustified as he was only involved in the 'tech-side of things' and never killed anyone.

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## Charges

### **PRE-TRIAL CHAMBER III**

Document Containing the Charges against TechAnon

The Office of the Prosecutor ("Prosecution") herewith submits the Document Containing the Charges against Ashley Krish (Alias: TechAnon) filed on 24 March 2024

At The Hague, The Netherlands

#### **Count 1**

With respect to the use of Project Hawk targeting software in RAF armoured vehicles resulting in the killing of 140 and wounding of 50 civilians gathered at Mooseville Plaza in Mooseville on 21 December 2022:

On the basis of individual criminal responsibility for aiding and abetting or otherwise assisting the commission of the crime, pursuant to Article 25(3)(c) Rome Statute

The war crime of intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities in Article 8(2)(e)(i) of the Rome Statute

#### **Count 2**

With respect to Operation Dark Horse in leading the dissemination campaign on Rosebud Hospital and its medical personnel as part of the RAF's attack on the hospital killing civilians including medical personnel:

On the basis of individual criminal responsibility for contributing to the commission of the crime or attempted commission of the crime in any other way by a group of persons with a common purpose, pursuant to Article 25(3)(d) of the Rome Statute

The war crime of intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law in Article 8(2)(e)(ii) of the Rome Statute.

## Annex I: Applicable Agreements

<b>Convention</b>	<b>Kingdom of Rufus</b>	<b>Republic of Dave</b>	<b>Democratic Republic of Trey</b>
Charter of the United Nations 1945	✓	✓	✓
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	✓	✓	✓
Additional Protocol II to the Geneva Conventions 1977		✓	✓
Vienna Convention on the Law of Treaties 1969	✓	✓	✓
Rome Statute of the International Criminal Court 1998	✓	✓	✓
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	✓	✓	✓
Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies 2022	✓	✓	✓

**Annex II: Map**

