



**Asia-Pacific IHL Moot Court**  
National Rounds 2025



**ICRC**

## SITUATION IN MANUSTAN

### PROSECUTOR V. ZARA SMITH

#### 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. Any other issues of jurisdiction and admissibility (including gravity) 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 Manustan and Setistan.

## **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. Manustan is a highly advanced technologically developed democratic State at the cutting edge of new and emerging technologies and is a world-leader in the areas of artificial intelligence and advanced autonomous robotics. It consists of a population of 20,000,000 and its capital is Vala City, in the province of Vala situated near the border with the neighbouring State of Setistan. Manustan's elected incumbent President is Ms Zara Smith ("President Smith"), who had been a leading human rights lawyer before entering politics. Manustan is comprised of two ethnic groups – the Manu and the Seti. Across Manustan, the population break up is 80% Manu and 20% Seti. However, in Manustan's northern-eastern province of Cern, the population is 85% Seti and 15% Manu. That is attributable to the fact that, until 2005, Cern had been a province of the neighbouring State of Setistan. Manustan has been a State Party to the Rome Statute of the International Criminal Court ("ICC Statute") since 1 July 2013.

2. Setistan is a constitutional monarchy with great mineral wealth and a sizeable agricultural base. Setistan's capital is Alara and is larger than Manustan in size and population. Its population numbers 85,000,000 with the Seti comprising 95% of the population, and the Manu 5%. Setistan's elected incumbent Prime Minister is Mr Miguel Estrada ("Estrada") and his half-brother, Mr Roy Gomez ("Gomez"), is the provincial Governor of Cern. Setistan has been a State Party to the Rome Statute of the International Criminal Court since 1 July 2016.

3. From 1950-1955, Manustan and Setistan fought the "Great War" over significant mineral deposits that were found on either side of their shared border region. Due to historical prejudices and effective Setistan propaganda that demonised the Manu, the Great War resulted in the deaths of hundreds of thousands of the Manu civilians that lived in said border region. Most historians and international lawyers consider that these killings were organised, systematic and constituted genocide. Indeed, nearly all the Manu of the border region were wiped out during the Great War. However, no persons were ever prosecuted for the commission of, or complicity in, these crimes.

4. During the Cold War years, Manustan sided with the West and clandestinely obtained nuclear weapons in 1978. It did so on the basis that it would serve as a guarantee so that its people would never be subjected to genocide from abroad again. Presently, Manustan possesses approximately 250 nuclear warheads. For its part, Setistan sided with the East during the Cold War and, in direct response to Manustan obtaining nuclear weapons, Setistan obtained its own in 1982. Presently, Setistan possesses approximately 150 nuclear warheads. Neither Manustan nor Setistan ever became parties to the Treaty on the Non-Proliferation of Nuclear Weapons (1968).

5. In the decades since the Great War, and especially after the end of the Cold War, Manustan and Setistan politically reconciled over these notorious historical events, but underlying friction and memories of the genocide remain strong in the population of Manustan in particular. Notwithstanding, the easing of tensions saw Manustan and Setistan agreeing that they did not require their respective nuclear arsenals and in 2000 began discussing mutual simultaneous nuclear disarmament. Manustan and Setistan signed the Treaty on the Prohibition of Nuclear Weapons (2017) but neither proceeded to ratify it.

6. In 2005, to mark 50 years since the end of the Great War and in a bid to advance reconciliation efforts, Setistan peacefully transferred its province of Cern to Manustan. Cern had always been difficult for Setistan to govern, as its population has a reputation for being notoriously independent and hostile to federal encroachment. But it was also Setistan's poorest province which required consistent federal bailouts to prop up its local economy. Indeed, at the time of the hand over, Cern was widely viewed within Setistan as a backwater and a strain on Setistan's finances, particularly as it then lacked the large mineral deposits and fertile soil that was the hallmark of the rest of Setistan.

7. Upon its transfer in 2005, Cern was granted autonomous status within Manustan and Cern proceeded to govern its own internal administrative affairs relatively independent of the federal government in Vala City. However, without external injections of funds, Cern's economic indicators and quality of life (including life expectancy, economic growth, wage growth, and employment growth) all began a downward spiral in subsequent years. Manustan, unlike Setistan, refused to prop up Cern's provincial economy with injections of federal funds, despite the warnings of most economists. Because of this, the Seti population of Cern began to harbour a deep resentment for the federal government in Vala City, questioned why they were part of Manustan and began to reminisce of the time they were part of Setistan.

8. In July 2022, the situation radically changed. On 15 July 2022, Gomez proudly announced that vast gold, silver and oil deposits had been discovered near Cern Town, the provincial capital of Cern. A conservative estimate of the value of these deposits was over \$US 450 billion. This was by far the largest deposits to have ever been discovered in Manustan and was even larger than those found in Setistan. In view of its dire economic situation, Gomez was keen for the proceeds of the sale of these resources to be reinvested in Cern for the benefit of the Seti.

9. However, on 29 July 2022 such projections were called into serious question when President Smith declared to the Manustan Parliament in Vala City that Cern's newly found resources "belonged to all of Manustan" and announced that her government would, over the coming years, take active steps to exert federal control over the deposits in Cern with a view to mining, extracting and selling the gold,



silver and oil. President Smith's declaration infuriated the provincial politicians in Cern and its Seti population, leading to popular protests in Cern Town. In a televised press conference on 5 September 2022, Gomez accused President Smith of effectively revoking Cern's autonomy without Cern having had any say in the matter. Gomez implored President Smith to, at the very least, give Cern preferential treatment in terms of the distribution of moneys derived from Cern's gold, silver and oil. President Smith refused to budge, stating bluntly to the press in Vala City on 23 November 2022 that "Cern is fundamentally mistaken if it believes it "owns" the gold, silver and oil; they belong to the State of Manustan to do with as it sees fit."

10. As a result, from February 2023, Gomez began building a grassroots movement, primarily through social media, seeking to convince the Seti in Cern of their exploitation and domination by the Manu majority in Manustan. Citing economic statistics and standard of living data, Gomez sought to convince the Seti in Cern that their plight was real and that the Manustan government had serious questions to answer, especially considering President Smith's stance on the resources recently discovered in Cern.

11. On 1 June 2023, in view of continued stand-off between Vala City and Cern Town, Gomez announced the creation of the Free Seti Party ("FSP"), with Gomez as its head. FSP's stated aim was to advocate for the Seti of Cern, to put an end to their "abuse" by the Manu and the Manustan government in Vala City, and to secure the secession of Cern from Manustan so it could rejoin Setistan. On this platform, the FSP was envisaged to contest the next provincial elections in Cern scheduled for September 2026. In view of the political environment, the FSP gained wide popularity in Cern in a short amount of time, with much of the Seti in Cern agreeing with the idea that Cern should rejoin Setistan.

12. The federal authorities in Manustan vehemently disagreed with the FSP's stated goal of Cern cessation from Manustan. To counter this, on 9 December 2023, the Manustan Parliament passed and promulgated a law spearheaded by President Smith, banning the FSP and creating a criminal offence of "advocating for secession". This law came into effect on 1 February 2024. To further reinforce this position, on 15 January 2024, a national referendum was held in Manustan to amend the Constitution to ban the unilateral secession of any Manustan province. The results of the Manustan referendum were officially confirmed on 19 January 2024: 80% of Manustan's population voted in favour of amendment (which was comprised almost exclusively of the Manu) and 20% against (which was comprised almost exclusively of the Seti). Accordingly, the amendment was ratified and went into effect after 60 days.

13. On 30 January 2024, Gomez issued a speech from the Governor's mansion in Cern Town:

*I am here to denounce President Smith's and Manustan's treatment of Cern. Further, I announce that we reject the wishes of the oppressors of the Seti in Cern who are in Vala*

*City. The Free Seti Party will not cease its activities. But at the same time, it is crystal clear that Manustan will never allow us to achieve our aims through lawful means via the regular political process. Manustan did not even give us the chance to do so. So now the Seti of Cern face a fork in the road. We can either consent to the theft of our vast resources by the Manu politicians of Vala City, or we can stand up and take control of our own future and reunite with our Seti brothers and sisters in Setistan. The FSP will take the latter approach via alternative means which will become apparent soon. But this will come at a painful cost to Manustan. For they had a choice, and they freely chose to subjugate us. Now, the Manu must live with the consequences of that choice. I do not make this announcement lightly, but we have been left with no other option. I therefore resign from my post as Governor and will fight for the Seti via alternative means. I call on our brothers and sisters in Setistan to come to our aid in this struggle. Long live freedom and long live the FSP!*

Following this speech, Gomez was not seen in public again, and his location became unknown, but he remained the leader of the now banned FSP.

14. From February 2024 through to April 2024, numerous incidents occurred throughout Cern for which FSP spokespersons claimed responsibility:

- a. On 1 February 2024, the Victoria Barracks of the Manustan Armed Forces (“MAF”) (the main military barracks of the MAF in Cern) located outside of Cern Town was subjected to a surprise attack by 60 FSP members equipped with small arms, resulting in the deaths of over 150 MAF members and 10 armed FSP members. As a result of the attack, weapons and equipment were stolen by the FSP, including small arms, heavy machine guns, rocket propelled grenades, mortars, and armoured personnel carriers.
- b. On 10 February 2024, armed FSP members kidnapped, tortured and killed Mr Stephen Gray (“Gray”) in Cern Town whilst he was walking his dog in a local park. Gray was a Manu that had been designated by President Smith as the interim Governor of Cern from 15 February 2024 until provincial elections were held in September 2026. No demands were communicated for his release, but his body was found with a sign that said the following: “Long live freedom and long live the FSP!”
- c. On 15 February 2024, 30 FSP members equipped with small arms overpowered and killed 15 federal Manustan police officers guarding the sprawling compound which housed the Bleuland Embassy in Vala City and forcibly took it over, holding 20 diplomatic staff and the Bleuland Ambassador hostage. The FSP members’ only demand was for Manustan to grant the right of secession to Cern. Manustan’s federal SWAT team surrounded the Bleuland Embassy, and a standoff ensured for three days with heavy gunfire being exchanged between the two sides, resulting in the deaths of 10 SWAT team members and 3 armed FSP members. On the fourth day, the armed FSP members disappeared through the sewers running under the Bleuland Embassy without any further exchanges of fire. The

Bleuland diplomatic staff and the Bleuland Ambassador were left in the Bleuland Embassy premises. The FSP members involved in the attack remain at large.

- d. On 3 March 2024, unknown armed actors on motorcycles attacked the motorcade of the Minister of Defence of Manustan who was on an official visit in Cern Town. The attack resulted in the death of 10 police officers who were part of the motorcade, alongside the Minister of Defence and 5 of his top senior military officer aides.
- e. On 18 March 2024, 15 FSP members equipped with the arms and equipment stolen from Victoria Barracks, attacked the Lubattuk Barracks of the MAF just outside of Cern province in Vala and barricaded themselves within its main building. They demanded that Manustan grant the right of secession to Cern. This resulted in an 18-hour siege and gun battle between the MAF and the FSP, resulting in the deaths of all 15 FSP members and the injury of 7 MAF members.
- f. On 1 April 2024, the FSP secured the services of a master bombmaker to conduct bombing operations in Vala province, including Vala City, targeting high rise residential complexes and military barracks over the month of April 2024:
  - i. On 3 April, a high rise residential complex in Vala City was bombed, leading to its eventual collapse and the deaths of 16 civilians – mostly Manu – and dozens more injured. The FSP deployed snipers around the site of the attack to target MAF members who assisted with search and rescue operations in the aftermath of the bombing. This resulted in the deaths of over 20 MAF members and the injury of a further 10 MAF members.
  - ii. Three military bases across Vala were bombed on 8, 10 and 14 April, resulting in the deaths of 5 MAF members, and a further 10 MAF members being injured.

15. During the attacks described above, all FSP members involved wore civilian clothing but put on black arm bands. These arm bands were promptly discarded when the attacks concluded and the FSP members blended back into the civilian community. While the FSP had broad support among the civilian population in Cern, it did not exercise effective control over any territory, preferring to blend into the civilian population immediately before and after the aforementioned attacks. Originally a political party, the FSP was organised into self-sufficient “cells” consisting of no more than 60 members that were decentralised in that they operated relatively autonomously from the FSP leadership. While each cell decided for itself how to execute plans and carry out attacks, they only did so upon receipt of the FSP’s broader objectives clandestinely from the top leadership. This was done so that, in the event a cell was infiltrated or exposed, the damage to the rest of the FSP would be minimised.

16. Over the following weeks, there were sporadic protests in Vala City seeking government action with respect to the FSP, however they all remained relatively peaceful with Manustan security forces



acting with restraint, though acts of violence were reported. On 9 June 2024, as a result of the attacks outlined above and the protests in Vala City, in her monthly Cabinet meeting, President Smith declared “war” on the FSP, though this was not publicly announced at that time. She informed the Cabinet that she had created an elite unit of the MAF special forces called “the Scorpions” who answered to her and whose sole mission was to “take out” the FSP by hunting down their members and disrupting their capabilities. Thus, from June 2024, the Scorpions began operating from their secret headquarters in Cern Town in a bid to fulfil the mission given to them directly by President Smith.

17. On 28 June 2024, upon the receipt of human and signals intelligence and after conducting extensive surveillance, the Scorpions identified that Gomez was hiding in a large two-level apartment in an urban area in the sprawling city of Lanesra in the province of Jurgen just beyond the borders of Cern. Gomez was living in the apartment with his wife, Natalie Gomez, and his two children. The Scorpions understood that Gomez had taken a leave of absence from the FSP to be with his wife as his second child, Lana Gomez, had been born in late May 2024. Gomez had instructed the FSP leadership not to communicate with him during this time and they did not. On 29 June 2024, President Smith was informed of these facts and told the commanding officer of the Scorpion that he should proceed with Operation Snake Elimination and “deal with the threat”.

18. At 3:07 a.m. on 30 June 2024, the Scorpions executed Operation Snake Elimination. A team of twenty armed Scorpion members in tactical gear and night vision goggles stealthily entered the Lanesra apartment, and five of them entered the room where Gomez was sleeping with his wife Natalie Gomez and their 10 year old daughter Fotoula Gomez in a king-sized bed. The newly born Lana Gomez lay in a cot next to the bed. Unloaded light weapons and ammunition were located near the cot in the room and removed. The rest of the Scorpions took up strategic positions in different parts of the apartment. Once in the room surrounding the bed, having removed the weapons and with the lights still off, one of the five Scorpion members shouted at the top of his voice: “Gomez! We have you surrounded!” Having been awakened and startled by this call, and before the Scorpion member could say anything else, Roy Gomez immediately rolled off the side of the bed and onto the floor next to the cot in the direction of where the weapons had previously been, while his wife Natalie Gomez and child Fotoula Gomez remained frozen in place and awake. Reacting to Roy Gomez’s sudden movement, the Scorpions opened fire and immediately killed him as he lay on the floor. Lana Gomez, who was in her cot, was also hit by a bullet and died one week later. Natalie Gomez and Fotoula Gomez were taken into custody. A subsequent search of the room revealed that unloaded light arms had been hidden under the bed.

19. President Smith was informed of the operation and in a press release issued on the morning of 30 June 2024, declared, among other things, that *“Gomez was a combatant in a war against Manustan and in war it is perfectly lawful to kill combatants. And good riddance. At the same time, we regret the*

*killing of innocents and non-combatants.*” Later that day, in a competing press release, Mr Stan Rogers (“Rogers”) of the FSP acknowledged that Gomez had been killed and announced that he would be replacing Gomez as the FSP’s head. He went on to state that *“Manustan engaged in a cold-blooded extra-judicial execution of an unarmed man and an innocent defenceless baby that posed absolutely no threat.”* Rogers vowed that the FSP’s campaign of bombing would continue at the same pace, buoyed by the martyrdom of Gomez.

20. The killing of Gomez and the subsequent search of Gomez’s apartment yielded much actionable intelligence, including the identities of top FSP operatives and their locations. As a result, the Scorpions conducted raids over 8-15 July 2024, leading to the capture of over 30 suspected leading FSP members in Cern. They were promptly taken to Vala City for routine questioning by the Scorpions without the presence of lawyers. All denied having anything to do with the FSP, but conceded that they, as Seti, were sympathetic to the FSP cause and may have had friends and relatives who were FSP members, though they could not know for sure. This information was relayed to President Smith.

21. Considering the ongoing bombing campaign, President Smith was angered by the lack of actionable intelligence emanating from the 30 FSP members. She was convinced that these persons knew about upcoming FSP bombings and attacks but were refusing to divulge life-saving information and leads. Thus, on 17 July 2024, President Smith instructed her Attorney-General, Mr Derek Sinder (“Sinder”) to review the following proposed “aggressive” interrogation techniques and the conditions for their use by the Scorpions on the captured FSP members (“the techniques”):

- a. Detainees to be subjected to solitary confinement in brightly lit solitary cells (no natural light) with bathroom and washing facilities and only let out for the purposes of interrogation;
- b. Detainees to be allowed uninterrupted sleep with lights out for only 5 hours per night;
- c. Detainees to be exposed to loud death metal rock music for 10 minutes at regular one-hour intervals when not being subjected to interrogation;
- d. Detainees to be provided with one regular meal per day with 2 litres of water;
- e. Detainees to be permitted to be aggressively yelled at and reasonably shaken during interrogation;
- f. Detainees to undergo daily non-stop interrogations of between 10 to 12 hours per day, excluding weekends;
- g. Detainees to undertake star jumps for up to 5-minutes if answers to questions were deemed unsatisfactory by the interrogator but limited to six times per hour, under the clandestine supervision of a doctor;
- h. Detainees not to be interrogated during periods when they showed signs of psychological instability; and

- i. Detainees to be promised that their conditions would only improve depending on their answers to the interrogator's questions.

22. Sinder, a relatively inexperienced commercial lawyer, was well-known for being a meek and weak-willed individual, with some in President Smith's Cabinet referring to him as a "yes" man. He had been personally appointed by President Smith on 10 June 2024 to replace his predecessor, Ms Zoë Adams-Lau ("Adams-Lau"), who President Smith had dismissed on the same day. Adams-Lau was renowned for her independence, competence and legal acumen. Rumours strongly suggested that President Smith's appointment of Sinder had been strategic and deliberate to legally facilitate the "war" on the FSP.

23. On 24 July 2024, Sinder reported to President Smith that it was the opinion of the Ministry of Justice's lawyers that there was a likelihood that the techniques constituted torture and thus would be inconsistent with international and Manustanian law. President Smith did not take this advice well. She scolded and humiliated Sinder in front of her Cabinet and told him he had "blood on his hands" if he refused to authorise the techniques. President Smith directed Sinder to "set his lawyers right" and not to speak to her again until he had done so, noting that the Scorpions needed to obtain actionable intelligence to stop the FSP's bombings and attacks. Sinder reverted to the Ministry of Justice's lawyers, who refused to change their advice despite repeated pressure by Sinder. On 29 July 2024, Sinder, contrary to the advice of the Ministry of Justice's lawyers, personally and unilaterally approved the techniques and communicated this to the Scorpions directly. President Smith was informed on the same day, and was very pleased with this result. Sinder did not tell President Smith that the Ministry of Justice's lawyers had not changed their legal position.

24. From 29 July 2024 for a period of 5 weeks, each of the techniques was employed on all 30 captured suspected FSP members. After approximately two weeks under these conditions, several detainees began showing physical symptoms including severe headaches, tremors, and muscle pain. Five detainees experienced episodes of psychological trauma, including confusion, visual or auditory hallucinations, and disorientation. These individuals were restrained in their beds during the acute phase to prevent self-harm or harm to others. According to medical notes and internal logs, these symptoms resolved within 24 to 48 hours, and no lasting physical or psychological injuries were documented. Two additional detainees with a history of depression developed further mental health issues which required their transfer to a mental health facility for observation, though they ultimately made a complete recovery. A 70-year-old male detainee with a pre-existing knee injury experienced physical distress during the enforced star jumps, which aggravated his condition and ultimately resulted in significant mobility issues for 3 months.

25. Post-release interviews with some of the detainees revealed mixed accounts. Some described the conditions as “mentally unbearable,” “like living in a nightmare,” or “deeply disturbing.” Others described the experience as harsh but temporary and attributed their symptoms to a combination of exhaustion and stress. Others viewed their treatment as relatively mild and “leisurely” given their particular love for death metal music and exercise. One detainee attributed significant weight loss to the conditions, stating that it “was actually quite beneficial” given that dieting had never achieved the same results. Manustan maintains that the conditions were carefully designed, medically monitored, and aimed at eliciting cooperation without causing lasting harm.

26. Manustan has kept the information and leads derived from the techniques, if any, a top national security secret. However, from May 2024, the FSP’s operations sharply decreased.

27. On 1 December 2024, the Prosecutor of the International Criminal Court (“ICC”) announced the opening of a preliminary examination into the Situation in Manustan and on 10 January 2025, requested ICC Pre-Trial Chamber I to open a *proprio motu* investigation pursuant to Articles 15(3) and 53(1) of the ICC Statute and Rules 48 and 50(2) of the ICC Rules of Procedure and Evidence (“RPE”). On 28 February 2025, ICC Pre-Trial Chamber I authorised said investigation pursuant to Article 15(4) of the ICC Statute and Rule 50(5) of the ICC RPE.

28. On 15 May 2025, pursuant to an *ex parte* Prosecution application, ICC Pre-Trial Chamber I issued a summons to appear for President Smith pursuant to Article 58(7) of the ICC Statute. On 1 June 2025, President Smith willingly travelled to The Hague, The Netherlands and made an initial appearance pursuant to Article 60(1) of the ICC Statute and Rule 121(1) of the ICC RPE. She maintains that she is innocent of all the allegations levelled against her, calling the allegations misconceived and a wholly unjustified intrusion into Manustan’s sovereign right to defend its people from terrorism.

## **Charges**

### **PRE-TRIAL CHAMBER I**

#### Document Containing the Charges against Zara Smith

The Office of the Prosecutor of the International Criminal Court (“ICC”) herewith submits the Document Containing the Charges against Zara Smith. It seeks ICC Pre-Trial Chamber I to confirm the following charges pursuant to Article 61 of the ICC Statute on the basis that there are substantial grounds to believe that Zara Smith:

- a. Count 1 – In relation to the killings of Roy Gomez and Lana Gomez on 30 June 2024:
  - i. Is criminally responsible for ordering the commission of murder as a war crime pursuant to Article 8(2)(c)(i) and Article 25(3)(b) of the ICC Statute; and
- b. Count 2 – In relation to the techniques employed on the 30 suspected FSP members from 29 July 2024:
  - i. Is criminally responsible as a superior for torture as a war crime pursuant to Article 8(2)(c)(i) and Article 28(2) of the ICC Statute.

At The Hague, The Netherlands

## Annex I: Applicable Agreements

| Convention  | Manustan             | Setistan             |
|---|----------------------|----------------------|
| 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                             | ✓                    | ✓                    |
| Treaty on the Prohibition of Nuclear Weapons (2017)                               | Signed, not ratified | Signed, not ratified |



Annex II – Map

