



IBA ICC MOOT COURT
Organised by the Grotius Centre

2022 International Criminal Court Competition

Case before the International Criminal Court: Prosecutor v. Agon Megor of Ibbin

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

Corrections to the Problem

NOTE TO COMPETITORS

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

CORRECTIONS/CLARIFICATIONS

Pre-Trial Chamber VI of the International Criminal Court (ICC) issues the following corrections/clarifications to its decision Denying Confirmation of Charges:

1. Paragraph 1 of the Pre-Trial Chamber's decision is hereby amended to state (revisions in bold):

1. The case involves two States: (1) the State of Quarth (population 2 million), a developing island-State located in a remote corner of the Stormy Sea; and (2) the Republic of Ibbin (population 100 million), an industrialized State located on the continental mainland some 300 miles west of Quarth across the Stormy Sea. (See appended map.) Quarth is not a party to the Rome Statute for the International Criminal Court (the ICC Statute). **Ibbin became a party to the ICC Statute on 1 August 2020, two months after it had deposited its instrument of accession.** Both States are parties to the 1982 UN Convention on the Law of the Sea, **the UN Convention on the Rights of the**



Child, the 1949 Geneva Conventions and their Additional Protocols, as well as the International Covenant on Civil and Political Rights.

2. Paragraph 4 (subparagraph 2) of the Pre-Trial Chamber's decision is hereby amended to state (revisions in bold):

Para. 2. For the past three years, the State of Quarth has been subject to sporadic attacks by the Tyvosh pirates, who operate in the high seas and waters off its coast. These loosely organized pirates, numbering about 700-strong, were once Quarth fishermen of the minority Tyvosh clan (**clan population 10,000**), who turned to the more lucrative vocation of piracy when the warming of the seas around Quarth resulted in a significant diminution of fish stocks. About 50% of the pirates are juveniles under the age of 15, many of whom were abducted and forcibly enlisted into the pirate ranks. During that three-year period, the Tyvosh pirates hijacked 17 Quarth-bound civilian cargo vessels and oil tankers, killed dozens of passengers and crew members and kidnapped others for ransom. While the pirates have grown wealthy and powerful, their activities have disrupted Quarth's trade, destroyed its tourism industry, and thrown Quarth's economy into a steep downturn.

3. Paragraph 5 (subparagraph 7) of the Pre-Trial Chamber's decision is hereby amended to state (revision in bold):

The drones were as good as Megor had promised," Col. **Valyeron** said. "With this amazing weapon, we were able to annihilate nearly 1,000 pirates in a single week, ending the scourge of the Tyvosh pirates once and for all," Col. Valyeron boasted.

4. Paragraph 6 of the Pre-Trial Chamber's decision is hereby amended to state (revision in bold):

Back in October, News and Observer reporter Rogor Costane recounted an extraordinary conversation he had with Reena Valyeron, Commander of the Quarth Homeland Security Force. Now, Costane says it was all a misunderstanding and exaggeration. Yesterday morning, he told the paper's editorial staff that "Valyeron and I were both drinking that night, and I let my imagination get away from me. I do not stand by the accuracy of the 13 October story, and retract it." This surprising retraction comes while the International Criminal Court in The Hague has launched an investigation into the October drone attacks, based in part on the contents of Costane's article. Meanwhile, the News and Observer learned that Costane, who has no means other than a modest journalist salary, was seen yesterday afternoon purchasing a 2021 Porsche 911 at an auto-dealership in Hightown. He paid in full in cash. That car has a (US) \$92,000 price tag. Today, **Constane** was suspended from the paper pending an internal inquiry as to whether he may have accepted a bribe to retract the drone story. Meanwhile, multiple sources have confirmed that his source, Reena Valyeron, resigned from the Quarth government last month, and has not been seen since.



5. Paragraph 10 of the Pre-Trial Chamber's decision is hereby amended to state (revision in bold):

10. During the month of February 2021, several NGOs representing the interests of those killed in the October 2020 Quarth "anti-piracy" operations filed requests to serve as Victims' Counsel in these proceedings. They included a group representing the families of the killed adult pirates, a separate group representing the families of the killed juvenile pirates, a group representing the pirate hostages who had been killed in the raid at the Watertown Elementary School, a group representing the families of the medical staff and patients who had been killed in the raid on the Harbortown Hospital, and a group representing the victims of the Harbortown wharf fire. Pursuant to Rule 90 of the ICC Rules of Evidence and Procedure, on 21 February 2021, **the Court's Registry announced that at its recommendation the Pre-Trial Chamber** had appointed a common Victims' Counsel to represent the interests of all the families of those killed in the drone attacks in these proceedings.

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

[Signed] Judge Friendly, Judge Learned, and Judge Variance
Dated 10 December 2021 at The Hague, The Netherlands