

2019 International Criminal Court Moot Court Competition Problem

Case before the International Criminal Court (ICC): Prosecutor v. Dani Targarian of Cilanta

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

This is a fictional case intended to enable students to familiarize themselves with the law and practice of the ICC. Participating teams will be divided into three groups: (1) Counsel for the Defendant, (2) Counsel for the Prosecution, and (3) Counsel for the State of Astipur participating in the proceedings under Rule 103 of the ICC Rules. In accordance with the rules of the competition, each team shall write a Memorial for each of these groups, setting forth its legal arguments in the context of the interlocutory appeal by Defendant, Dani Targarian, challenging the jurisdiction and admissibility of the ICC in the context of the Pre-Trial Chamber's Decision on Confirmation of Charges.

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

Pursuant to Pre-Trial Chamber VI's decision to grant the "Defense Request for Leave to Appeal Issues in the Confirmation of Charges Decision" (dated March 15, 2019), the Appeals Chamber seeks submissions of all parties and participants on the following issues:

- a. Whether evidence seized from the home of the Defendant under the circumstances described in the Pre-Trial Chamber's opinion must be excluded under Article 69(7) of the ICC Statute.
- b. Whether the facts described in the Pre-Trial Chamber's decision were of the "character, gravity and scale" to "constitute a manifest violation of the Charter of the United Nations" as required for the prosecution of the crime of Aggression under Article 8bis of the ICC Statute.
- c. Whether a lawyer who on commission provides the government one-sided legal advice calculated to justify an armed attack on another State can be prosecuted for aiding and abetting the Crime of Aggression under Article 25(3)(c) of the ICC Statute.

[This is a fictional document for use in the ICC Moot Court Competition]

Pre-Trial Chamber VI
2019 ICC Moot Court Competition

Situation Relating to the Crime of Aggression against Bravos

**Confirmation of Charges against
Defendant Dani Targarian of Cilanta**

Pre-Trial Chamber VI of the International Criminal Court (ICC) renders this decision on the application filed by the Defendant, Dani Targarian, challenging the jurisdiction of the ICC in the context of Confirmation of Charges.

Introduction

1. This case constitutes several “firsts” for this Court. It is the first case to address the Crime of Aggression under the Kampala Amendments to the Court’s Statute, which entered into force for those States that have ratified the Amendments on July 17, 2018. It is the first case to address whether a lawyer can be tried for legal advice that facilitates a crime within the Court’s Statute. And it is one of the first cases to address the admissibility of evidence in ICC proceedings where such was obtained by domestic authorities in an unlawful search.

Factual Background

2. The State of Astipur, the Republic of Bravos, and the Commonwealth of Cilanta are all parties to the Rome Statute, and each ratified the Kampala Aggression amendments in January 2017. Astipur and Bravos have implemented the Aggression Amendments by enacting domestic legislation enabling their courts to prosecute the Crime of Aggression committed by their nationals or in their territory, in addition to the other crimes contained within the Rome Statute. Cilanta’s attempt to enact implementing legislation has stalled in its Parliament and it is not at this time able to prosecute the Crime of Aggression in its courts. Astipur, Bravos, and Cilanta are members of the U.N. and parties to the International Covenant on Civil and Political Rights and the Geneva Conventions of 1949 and the Additional Protocols thereto. They are not party to other treaties relevant to the subject matter of the case except for the Rome Statute.

3. Astipur, Bravos, and Cilanta are separated by the Stormy Sea, with Astipur to the west, Bravos to the east, and Cilanta to the north (see map reproduced at **Appendix 1**). Astipur is a technologically advanced country with a sophisticated military and a strong record of human rights compliance. Bravos is a developing country, which has been the subject of frequent human rights complaints over the years, particularly concerning harsh repression of labor strikes in the public sector. Cilanta is the home country of one of the world’s leading research

institutions, Queen's Landing University, and the most-cited living international law scholar in the world, Dr. Dani Targarian, who is the Defendant in this case. She has been charged with aiding and abetting the Crime of Aggression.

4. Relevant to this case is the mineral cobalt, whose unique properties make it an essential component for the production of batteries that power electronic vehicles. With the rapid global expansion of the electric vehicle market, the demand for cobalt has increased greatly and its price has risen to \$100,000 per Metric Tonne (MT). For three decades, Astipur has been the world's major exporter of cobalt, accounting for 60 percent of the world market in 2016, with a total export output of 64,000 Metric Tonnes per year from 2010-2016. In 2016, vast cobalt reserves were discovered in the northern mountains of Bravos. Bravos immediately built up infrastructure for mining and exporting its cobalt. It pursued a strategy of offering its cobalt for export at only \$50,000 per MT, and quickly gained a large and growing share of the world market. Its low-price exports forced Astipur to compete by significantly reducing the price of its cobalt exports, which caused unemployment to rise in Astipur and tax revenue to plummet.

5. The Bravos cobalt mines are owned by the government of Bravos. In July 2018, cobalt mine workers in Bravos began to protest for better wages and working conditions. When an armed riot erupted just outside Bravos' largest cobalt extraction site known as the Dragon mine, on July 21, 2018, Bravos deployed dozens of Chlorine Aerial Bombs to quash the rioters. Eight hundred workers at the mine were killed.

6. Bravos obtained the chlorine from an Astipur-based company called Pentaas Chemicals. As required by Astipur law, Pentaas Chemicals sought and obtained a license from the government of Astipur for the export of 10,000 metric tonnes of chlorine to Bravos and to a dozen other countries around the world for industrial uses in 2017-2018.

7. The U.N. Security Council met in emergency session on July 22, 2018 to consider a draft resolution introduced by Astipur that would condemn Bravos' use of chlorine gas in the July 21 Dragon mine attack. A permanent member of the Security Council which imports large amounts of cobalt from Bravos vetoed the resolution, which had 11 yes votes, and three abstentions in the Council.

8. On July 23, 2018 the President of Astipur, James Bannister, commissioned an opinion on the legality of using force against Bravos' chemical weapons production, storage, and delivery facilities from Professor Dani Targarian of Cilanta's Queen's Landing University. As described in more detail in paragraph 14 below, the email correspondence between President Bannister and Dr. Targarian was seized from Targarian's home in Cilanta and turned over to the Office of the Prosecutor of the International Criminal Court, and provides the essential evidence supporting the Prosecutor's case against Targarian.

9. On the morning of July 24, 2018, a protest concerning the Dragon mine chemical weapons attack began in the nearby Bravos city of Winterfall, where many of the families of the killed mine workers live. The protest began as a peaceful rally outside the Dragon Mine administrative

building in Winterfall but soon escalated into mob violence, with acts of arson committed against several buildings in the area. In immediate response, Bravos fired dozens of Chlorine Aerial Bombs at the rioters. 1,400 civilians, including spouses and children of the previously slain mine workers, were killed in the July 24 gas attack.

10. The U.N. Security Council again met in emergency session on July 25, 2018, to consider another draft resolution introduced by Astipur. This one would create a U.N. investigative commission to report to the Security Council on the responsibility for the chlorine gas attack and would warn that perpetrators, including high level policymakers, would be held accountable. The same Permanent Member of the Council vetoed the resolution, which again had 11 votes in support and three abstentions.

11. During the next several days, other large-scale protests about the government's gas attacks commenced in the Bravos cities of Gulftown, Newtown, and Hightown. Believing that Bravos would again use chemical weapons against its civilian population if nothing was done about it, Astipur launched airstrikes against three targets in Bravos related to its chemical weapons capabilities at 1:30 AM local time on July 29, 2018. In a communique dated 8:00 AM July 29, 2018, to the President of the U.N. Security Council, the government of Astipur stated:

Excellency,

Bravos has resorted to use of deadly chemical weapons against its civilian population in response to civilian protests throughout its country. The Security Council has been paralyzed by a permanent member veto from taking any action. Eight hundred civilians were killed in the first chemical weapons attack on July 21, fourteen hundred were killed on the second chemical weapons attack on July 24, and there is reason to believe Bravos would again use these deadly internationally prohibited weapons against protesters throughout the country unless some action was taken. We therefore sought the advice of one of the world's most distinguished international law authorities, Dr. Dani Targarian of Queen's Landing University in Cilanta. Dr. Targarian (JD., LLM, SJD, PhD) holds a Chaired Professorship at Queen's Landing, has published over 200 scholarly articles and 30 books and is the most cited living scholar in the field of international law.

Based on international precedents -- including the 1999 NATO airstrikes in Serbia to save the Kosovar Albanians, the U.S./U.K. No Fly Zone imposed over southern Iraq from 1991-2003 to protect the Marsh Arabs, the August 2014 U.S. attack against ISIS on Iraq's Mount Sinjar to rescue the Yazidis, and the April 2017 U.S. airstrike against Syria's airfield and the April 2018 U.S./U.K./France airstrikes against Syria's chemical weapons facilities -- Dr. Targarian advised that a narrowly tailored airstrike against Bravos' chemical weapons production, storage, and delivery facilities would be legal under the international law principal of humanitarian intervention. Having been so advised, the Cabinet of Astipur unanimously voted to launch airstrikes against the Bravos facility that manufactured the chlorine gas weapons, the Bravos facility where chlorine

gas weapons are stored, and the Bravos airbase from which the chlorine gas was deployed – all three facilities are located near the Bravos capitol city Oldtown.

I am writing to alert you to our action, which was designed to prevent the imminent use by Bravos of chemical weapons against its civilian population. Because of the paralysis of the Council due to a Permanent Member veto, the action was necessary, justified, and lawful as an act of humanitarian intervention. Further, by attacking in the early morning hours, we have minimized casualties which are reported by the Bravos' press this morning to be less than 100.

Finally, we call on the international community to join Astipur in imposing a multinational embargo on all cobalt exports from Bravos until Bravos agrees to international inspections to prove that it is no longer producing or stockpiling chemical weapons.

12. The U.N. Security Council met in emergency session at noon on July 29, 2018, to debate the Astipur airstrikes against the Bravos chemical weapons facilities. Several states spoke in support of the action, saying that it was "legitimate response under the dire circumstances." The permanent member that had vetoed the previous resolutions on the Bravos situation, however, said "the attack constituted a clear case of aggression and that the President of Astipur should be tried for the Crime of Aggression by the International Criminal Court." The Permanent Member introduced a resolution condemning the airstrikes, which was defeated by a vote of 1 in favor, 11 opposed, and 3 abstentions.

13. The government of Cilanta was one of a dozen States that publicly condemned the Astipur airstrikes against Bravos. Having been alerted by the publication of the Astipur communique of the role Dani Targarian played in the airstrikes against Bravos, the government of Cilanta decided to search her residence for potentially incriminating evidence, but because Cilanta has not yet enacted its ICC Aggression Amendments Implementation Act, there was no domestic law that could authorize the search. Although the Cilanta federal police could not obtain a warrant to conduct a lawful search, they nonetheless raided Dani Targarian's home in Cilanta in the early morning hours (1:15 – 2:00 AM) of July 30, 2018. The Cilanta police indiscriminately went through her family's personal belongings and confiscated all of the computers found in her home. A Cilanta forensics expert was able to access Dr. Targarian's computer files and uncovered a series of incriminating documents that Cilanta turned over in hard copy to the Office of the Prosecutor of the International Criminal Court on August 1, 2018.

14. The electronic documents indicated that James Bannister, President of Astipur, contacted Dr. Targarian via email on July 23, 2018, to request that she prepare on an urgent basis a legal memorandum for the government of Astipur opining on the legality of Astipur launching airstrikes against Bravos' chlorine gas production facilities, storage facilities, and the airbase from which the chlorine gas attack was launched. President Bannister specifically advised Targarian that he desired to authorize an attack, but that he had been asked for an independent

legal opinion on the legality of such action by his Cabinet, which was scheduled to vote on approving the airstrikes on the afternoon of July 28. President Bannister wrote that he would wire Dr. Targarian \$10,000 for the memorandum, which he said he needed as soon as possible. On July 27, Dr. Targarian emailed President Bannister the first draft of her memorandum, which is included as **Appendix 2** of this opinion. It concluded that “there is a reasonable case to be made that the contemplated airstrikes would be a lawful act of humanitarian intervention, but the law on this is not completely settled” and warned that the contemplated action “could potentially expose you and high-level members of the government of Astipur to criminal liability for the Crime of Aggression.” The two-page draft memorandum provided authorities on both sides of the argument. That same day Bannister responded that he needed a more definitive legal opinion in order to convince his Cabinet to back the contemplated airstrikes and offered an additional \$5,000 for Targarian to revise the memorandum to provide firmer support for the airstrike within twenty-four hours. On the morning of July 28, Dr. Targarian sent President Bannister a revised “final” memorandum that concluded that “the contemplated airstrike would be a lawful act of humanitarian intervention,” and provided only citations to authority and examples of state action and international responses that supported this conclusion. The revised memorandum is included as **Appendix 3** of this opinion. At 5:00 PM that same day, President Bannister sent Dr. Targarian an email letting her know that the Cabinet had approved the airstrikes on the basis of her legal memorandum and confirming that a bank transfer had been sent to Dr. Targarian’s account in the amount of \$15,000 for her legal services.

15. Dr. Targarian was arrested during the July 30, 2018, raid on her home for attempting to obstruct justice due to her non-cooperation during the search. Unable to prosecute Dr. Targarian domestically for the Crime of Aggression, the government of Cilanta detained her under house arrest while it awaited issuance of an arrest warrant by the International Criminal Court.

16. The ICC Prosecutor determined that there was a reasonable basis to proceed with an investigation into whether the Astipur airstrikes against Bravos constituted the Crime of Aggression as defined by the 2010 Kampala Amendments, Article 8bis of the ICC Statute. She further concluded that the jurisdictional requirements for pursuing a case under Article 15bis of the ICC Statute were satisfied since Astipur, Bravos, and Cilanta had all ratified the Kampala Amendments, which came into force for them prior to the acts in question. Pursuant to Article 15bis (6) and (8), the Prosecutor notified the U.N. Secretary General of the situation on August 5, 2018. After the six-month clock had run without the Security Council making a determination that Astipur had or had not committed Aggression in its airstrikes against Bravos, on February 6, 2019, the Pre-Trial Division granted the Prosecutor’s request to authorize an investigation and to issue a warrant for the arrest of the Defendant, Dani Targarian, for aiding and abetting the crime of Aggression under Article 8bis and Article 25(3)(c) of the ICC Statute. The next day, Cilanta transferred Dr. Targarian to the ICC’s custody, and the ICC immediately appointed her Defense Counsel pursuant to Article 55 of the ICC Statute. Actions against James Bannister and other Astipur officials are proceeding separately.

17. The objections of the Defense

In a written submission dated February 15, 2019, Counsel for Dani Targarian raised several objections to the jurisdiction of the ICC and admissibility of the case, which the Pre-Trial Chamber agreed to consider at a hearing on Confirmation of Charges under Article 61 of the Court's Statute:

- a. First, the Defense argues that the indiscriminate nighttime search of the Defendant's home and the seizure of her personal computers without a warrant or even legislative authority renders the evidence inadmissible. Defense further argues that under the circumstances, not only has the Defendant's right to privacy been violated but the reliability of the evidence is doubtful. Defense argues that the incriminating documents should therefore be excluded under Article 69(7) of the ICC Statute, and in the absence of those documents there is insufficient evidence to continue the case.
- b. Second, the Defense argues that the humanitarian intervention described in the Pre-Trial Chamber's decision was not of the "character, gravity and scale" to "constitute a manifest violation of the Charter of the United Nations" as required for the prosecution of the Crime of Aggression under Article 8bis of the ICC Statute.
- c. Third, the Defense argues that the Crime of Aggression was intended by the Kampala Amendments to apply only to high-level government officials "in a position effectively to exercise control over or to direct the political or military action of a State," not a private lawyer who provided the government legal advice on the legality of contemplated military action. As such, the Defense argues that the Defendant cannot be prosecuted for aiding and abetting the Crime of Aggression under Articles 8bis and 25(3)(c) of the ICC Statute.

18. Findings and Conclusions

On March 1, 2019, representatives of the ICC Office of the Prosecutor, Counsel for Dani Targarian, and Counsel for the State of Astipur submitted briefs and made oral presentations before this Pre-Trial Chamber on the issues raised by the Defense. Dani Targarian was present during the proceedings. After duly considering their submissions and arguments, the Pre-Trial Chamber hereby makes the following findings and conclusions:

- a. First, the Pre-Trial Chamber determines that, pursuant to the 8 March 2018 Appeals Chamber's Judgement in *Bemba et al.*, it is not relevant to admissibility that domestic authorities have violated domestic law in conducting a search.

- b. Second, the Pre-Trial Chamber determines that there is no international right of humanitarian intervention in the absence of Security Council authorization, and thus the Astipur airstrikes against Bravos can be prosecuted as a Crime of Aggression under Article 8bis of the ICC Statute. The Pre-Trial Chamber further determines that Astipur had pretextual motives for the airstrikes, and that the fact that Astipur provided the chemicals used by the government of Bravos to manufacture the chlorine weapons precludes Astipur from lawfully invoking Bravos' use of chemical weapons as a justification for its airstrikes.
- c. Third, the Pre-Trial Chamber determines that since the Nuremberg trials, it has been clear that lawyers can be prosecuted for aiding and abetting international crimes, and that those who provide opinions calculated to facilitate the commission of the Crime of Aggression can be held accountable as an aider and abettor under Article 25(3)(c) of the Statute.

For these reasons, the Pre-Trial Chamber hereby:

- Determines that the evidence seized in a warrantless search of the Defendant's home in Cilanta is admissible in these proceedings.
- Determines that the ICC has jurisdiction over the crime of Aggression in this case.
- Determines that the case is admissible.
- Confirms the that the Prosecutor has supported the charge with sufficient evidence to establish substantial grounds to believe that Dani Targarian is criminally liable for aiding and abetting the crime of Aggression committed by Astipur against Bravos on July 28, 2018.
- Orders the Registrar to notify the parties and participants of this decision.

Dissent by Judge Vexatious:

I found the arguments of the Defense on issues 1 and 2 persuasive and I therefore dissent from the Decision of the Pre-Trial Chamber, and urge the Chamber to certify the case for interlocutory appeal.

[Signed] Judge Friendly, Judge Learned, and Judge Vexatious (Dissenting)

**Dated 15 March 2019
At The Hague, The Netherlands**



Appendix 1



Appendix 2

First Draft of Dr. Targarian's Memorandum on Legality of Contemplated Airstrikes

DRAFT

July 27, 2018

Hon. James Bannister, President of Astipur

Your Excellency,

1. You have requested a legal opinion on the legality under international law of Astipur conducting airstrikes against the Bravos facility that manufactured the chlorine gas weapons, the Bravos facility where chlorine gas weapons are stored, and the Bravos airbase from which the chlorine gas was deployed to alleviate the extreme humanitarian suffering of the people of Bravos by degrading the Bravos government's chemical weapons capability and deterring their further use, following the Bravos chemical weapons attacks on civilians at the Dragon Mine on July 21, 2018, and in the city of Winterfall on July 24, 2018.
2. The government of Bravos' use of chemical weapons is a serious crime of international concern, as a breach of the customary international law prohibition on the use of chemical weapons and amounts to Crime Against Humanity.
3. There is a reasonable case to be made that the contemplated airstrikes would be a lawful act of humanitarian intervention, but the law on this is not completely settled. Countries and legal experts have historically taken the position that use of force is permitted only in three circumstances: (1) with consent of the territorial state, (2) as authorized by the U.N. Security Council, and (3) as an act of self-defense in response to an armed attack. None of these circumstances exists in this case, and it's possible that the contemplated airstrikes could potentially expose you and high-level members of the government of Astipur to criminal liability for the Crime of Aggression. On the other hand, many States and commentators including myself believe that there is an emerging right of humanitarian intervention, based on the UN's endorsement of the Responsibility to Protect Doctrine, arising from the precedents of the 1999 NATO airstrikes in Serbia to save the Kosovar Albanians, the U.S./U.K. No Fly Zone imposed over southern Iraq from 1991-2003 to protect the Marsh Arabs, the August 2014 U.S. attack against ISIS on Iraq's Mount Sinjar to rescue the Yazidis, and the April 2017 U.S. airstrike against Syria's airfield and the April 2018 U.S./U.K./France airstrikes against Syria's chemical weapons facilities.
4. The April 2018 airstrikes are particularly relevant because the UK explicitly relied on humanitarian intervention as its justification in the context of Syria's use of chemical weapons against its civilian population, and there was fairly widespread international support for the

action. Under the U.K.'s justification, lawful use of humanitarian intervention requires three conditions to be met:

- (i) there is convincing evidence, generally accepted by the international community as a whole, of extreme humanitarian distress on a large scale, requiring immediate and urgent relief;
- (ii) it must be objectively clear that there is no practicable alternative to the use of force if lives are to be saved; and
- (iii) the proposed use of force must be necessary and proportionate to the aim of relief of humanitarian suffering and must be strictly limited in time and in scope to this aim (i.e. the minimum necessary to achieve that end and for no other purpose).

5. The contemplated airstrikes meet the U.K.'s articulated requirements of humanitarian intervention in the circumstances of the present case:

- (i) The government of Bravos has repeatedly used chemical weapons against its citizens. The chemical weapons attack on July 21, 2018 resulted in over 800 civilian casualties, and the attack on July 24, 2018, resulted in an additional 1,400 civilian casualties. There is good reason to believe that the government of Bravos will continue to use chemical weapons against ongoing civilian protests in the cities of Gulftown, Newtown, and Hightown in coming days if nothing is done to stop Bravos, leading to further suffering and widespread loss of life. The repeated, lethal use of chemical weapons by the government of Bravos constitutes a Crime Against Humanity.
- (ii) Actions by Astipur and other States to alleviate the humanitarian suffering caused by the use of chemical weapons by the government of Bravos at the UN Security Council have been repeatedly blocked by a Permanent Member of the Council's disregard for international norms, including the international law prohibition on the use of chemical weapons. There exists no practicable alternative to the use of force to degrade the government of Bravos's chemical weapons capability and deter their further use by the government of Bravos in order to alleviate humanitarian suffering.
- (iii) In these circumstances, and as an exceptional measure on grounds of overwhelming humanitarian necessity, military intervention to strike carefully considered, specifically identified targets in order effectively to alleviate humanitarian distress by degrading the government of Bravos's chemical weapons capability and deterring further chemical weapons attacks is legally justifiable under international law.

Sincerely,

Dani Targarian, JD., LLM, SJD, PhD
Professor of International Law
Queen's Landing University

Appendix 3

Final Version of Dr. Targarian's Memorandum on Legality of Contemplated Airstrikes

July 28, 2018

Hon. James Bannister, President of Astipur

Your Excellency,

1. You have requested a legal opinion on the legality under international law of Astipur conducting airstrikes against the Bravos facility that manufactured the chlorine gas weapons, the Bravos facility where chlorine gas weapons are stored, and the Bravos airbase from which the chlorine gas was deployed to alleviate the extreme humanitarian suffering of the people of Bravos by degrading the Bravos government's chemical weapons capability and deterring their further use, following the chemical weapons attacks on civilians at the Dragon Mine on July 21, 2018, and in the city of Winterfall on July 24, 2018.

2. The government of Bravos' use of chemical weapons is a serious crime of international concern, as a breach of the customary international law prohibition on the use of chemical weapons and amounts to Crime Against Humanity.

3. Astipur is permitted under international law, on an exceptional basis, to take measures in order to alleviate overwhelming humanitarian suffering. The legal basis for the use of force is humanitarian intervention, under the precedents of the 1999 NATO airstrikes in Serbia to save the Kosovar Albanians, the U.S./U.K. No Fly Zone imposed over southern Iraq from 1991-2003 to protect the Marsh Arabs, the August 2014 U.S. attack against ISIS on Iraq's Mount Sinjar to rescue the Yazidis, and the April 2017 U.S. airstrike against Syria's airfield and the April 2018 U.S./U.K./France airstrikes against Syria's chemical weapons facilities.

4. Lawful use of humanitarian intervention requires three conditions to be met:

(i) there is convincing evidence, generally accepted by the international community as a whole, of extreme humanitarian distress on a large scale, requiring immediate and urgent relief;

(ii) it must be objectively clear that there is no practicable alternative to the use of force if lives are to be saved; and

(iii) the proposed use of force must be necessary and proportionate to the aim of relief of humanitarian suffering and must be strictly limited in time and in scope to this aim (i.e. the minimum necessary to achieve that end and for no other purpose).

5. The contemplated airstrikes meet the requirements of humanitarian intervention in the circumstances of the present case:

- (i) The government of Bravos has repeatedly used chemical weapons against its citizens. The chemical weapons attack on July 21, 2018 resulted in over 800 civilian casualties, and the attack on July 24, 2018, resulted in an additional 1,400 civilian casualties. There is good reason to believe that the government of Bravos will continue to use chemical weapons against ongoing civilian protests in the cities of Gulftown, Newtown, and Hightown in coming days if nothing is done to stop Bravos, leading to further suffering and widespread loss of life. The repeated, lethal use of chemical weapons by the government of Bravos constitutes a Crime Against Humanity.
- (ii) Actions by Astipur and other States to alleviate the humanitarian suffering caused by the use of chemical weapons by the government of Bravos at the UN Security Council have been repeatedly blocked by a Permanent Member of the Council's disregard for international norms, including the international law prohibition on the use of chemical weapons. There exists no practicable alternative to the use of force to degrade the government of Bravos's chemical weapons capability and deter their further use by the government of Bravos in order to alleviate humanitarian suffering.
- (iii) In these circumstances, and as an exceptional measure on grounds of overwhelming humanitarian necessity, military intervention to strike carefully considered, specifically identified targets in order effectively to alleviate humanitarian distress by degrading the government of Bravos's chemical weapons capability and deterring further chemical weapons attacks is legally justifiable under international law.

Sincerely,

[signed]

Dani Targarian, JD., LLM, SJD, PhD
Professor of International Law
Queen's Landing University