



LAW CENTRE- II, FACULTY OF LAW
UNIVERSITY OF DELHI



VII S.K. PURI MEMORIAL INTERNATIONAL MOOT COURT COMPETITION JUSTIFIED 2023

INTERNATIONAL CRIMINAL
TRIAL ADVOCACY COMPETITION
DECEMBER 1ST, 2023 – DECEMBER 3RD, 2023

COMPROMIS¹

MEDIA PARTNERS



¹ Drafted by Mr. Parth Dixit. Any participant, team or individual related to the participant or the team, who tries to contact the Problem Frammer shall be disqualified from the competition.

TABLE OF CONTENTS

S. No	PARTICULARS	Page No.
I	CONTEXT OF THE STATES INVOLVED IN THE SITUATION	1
II	ACCUSED	2
III	SITUATION	4
IV	CONTEXTUAL FRAMEWORK	6
V	CHARGES CONFIRMED	7
VI	PROCEEDINGS BEFORE THE TRIAL CHAMBER	8
VII	WITNESS TESTIMONIALS	I
VIII	ANNEXURES	IX
IX	NOTES TO THE COMPROMIS	XV

1. INTRODUCTION OF THE STATES

- 1.1 Amberland, exists as a republic situated at the southern corner of the Arabian Peninsula. Much of its topography comprises of mountainous and arid parcels of land. The culture, life and economy of Amberland's population borrows from country's important placement and proximity to the Red Sea. The Red Sea operated as a modern trade channel bringing commercial prosperity to Amberland and its people. Further, the fertility of the soil in Amberland allowed it to command the cultivation and export of coffee to other affluent countries, and for a long time in its history, it remained the exclusive source of high-quality coffee beans in the world on a comparative scale.
- 1.2 The consolidated Amberland came into being in the year 1990, when the northern and southern regions of the erstwhile empires merger into a political unit and declared Red Stone its political and financial capital. However, the unified Amberland, since its inception, was marred by severe corruption and policy paralysis leading to a continued period of economic decay. Segregated cultures and belief system, and susceptibility to influence exerted by foreign governments also imposed damage to the country wealth and resources.
- 1.3 Despite the aforesaid unification, the political objectives of a merged entity remained a distant dream in Amberland. The southern population of the country remained sceptical about the intentions of the northern polity and vice versa. Accordingly, every election cycle to the country's presidency saw aggravated exchange of words between the representatives of the southern district and those of the north. This exchange in the house of legislature translated into sporadic acts of violence on the streets running into election days.
- 1.4 At the root of this divide were historical, cultural and religious differences between the tribal population of the South – predominant followers of the Xander sect of Cylonism – a wider religious idea with growing popularity in the region, on one hand, and the warrior population of the North – followers of Kobol, another sect of Cylonism. The Kobols comprise of a large majority of the population of Amberland with the divide in the population ratio becoming increasing skewed against Xander community. As of 2007, the divide stood at 60:40. This divide runs hundreds of years back into the history of the region and had been responsible for numerous wars and fragmentation of the historic communities habituating in the region.
- 1.5 The early inhabitants of Amberland who became the first followers of Kobol were heavily influenced by the neighbouring areas of the continent through access extended by the Red Sea. One particular zone of influence was the Kingdom of Wonderland – country regimented in years of monarchy where ninety percent of the population belonged to the Kobol sect.
- 1.6 The Kingdom of Wonderland (“**Wonderland**”) is a country founded on archaic religious legal system based on interpretations of Cylonism. The country is blessed with a culture of more than two-thousand years of recorded history. The federal government exercises direct control over Wonderland. The country has also evolved strategic military ties with England, France and the United States. The country's social

structure boasts of largely a homogenous population consisting of ninety percent (90%) residents believing in the Kobol sect. Remaining ten percent (10%) of the population consists of indigenous tribes of the region dispersed across the most rural segments of inhabitation.

- 1.7 The monarchy in Wonderland has been conspicuous of the fact that for a large part of the country, Kobol way of life is sacrosanct. Kobol also allows the rulers of wonderland to suppress dissent and civil disobedience in the country with an iron fist. However, scepticism for the growing demand for democracy has also resulted in Wonderland undertaking population control measures against its demographics. These practices, actively pursued since 2012, have invited severe criticism from the global community. However, due to the alliances forged by Wonderland with most global powers of the western world, the march of such policies hasn't dampened the spirits of the monarchy in Wonderland.
- 1.8 Wonderland has had a historic interest in the political affairs of Amberland. The country, ostensibly, could use the given religious affiliation with Amberland's majority to extend its political geography using diplomacy as well as its economic and strategic prowess. Thus, as per one popular narrative, Wonderland has been using the state's apparatus to instigate and manipulate the Kobolians in Amberland against their fellow residents belonging to the Xander sect including the elected law-makers of the country led by its President Ms. W. Adams.
- 1.9 It is in the aforesaid context that Wonderland has been criticised for using Thanos Inc. together with its affiliates and subsidiaries in Wonderland, Amberland and elsewhere ("**Thanos Group**") to arm and weaponise the followers of Kobol living in Amberland.

2. INTRODUCTION OF THE ACCUSED

- 2.1 The accused – Mr. Ryan Howard - had been one of the promoters of Thanos Group since the Company's inception in 1990. The accused started the company in the British Virgin Islands along with three (3) other partners – Mr. Ankur Singh, Mr. Abel Gray and Ms. Wong Lee, all of whom shared a passion for aerodynamic engineering. While his co-promoters resigned from the venture in 1998, Mr. Howard continued to grow the business with his exceptional foresight in business, industry practices and the political climate of the relevant era. The parting between the initial promoters allowed Mr. Howard to explore latent talent in the form of a professional management and key personnels. He built up a strong team of engineers, duly supported by expert media and public relations professional to steer clear of the negative publicity naturally attracted by manufacturers in the arms' industry. He was responsible for steering a steep rise in revenue for Thanos Group by 2004 and making the group a fierce competitor in the field. On October 21, 2015, he announced his formal resignation from the company but promised his shareholders that he would continue to steer and guide the company and his affiliates, albeit in a revised role.
- 2.2 As per popular narrative, Mr. Howard was able to turn the fortunes of the group companies very quickly due to his ability to pierce into the closed circuit of the ruler and noblemen of Wonderland. Wonderland, for a large part, had relied exclusively on

local manufacturers – in part due to their distrust of the ambitions of the western world. However, with a globalization driven paradigm shift in the approach of the monarchy, Wonderland opened its doors for arms bidders from the west. The driving philosophy in this shift in approach became a hallmark of 1997 reforms in the country. The rulers of Wonderland wanted to compete with the west – and realized that they could only do so if their military might carried the strength of the scientific advancements reflected in the weapons of the west.

- 2.3 Mr. Howard, pre-empting the requirements of Wonderland from a ten-year future-looking perspective, not only prevailed the bidding process, but impressed the noblemen and ministers of state in Wonderland that Thanos could become a loyal crown-jewel at their service – holistically aligned with the vision of the country to achieve the status of an undisputed military power of the region. The tide of fortune turned in favor of Thanos Group when Wonderland itself became a major ally of western countries like the United States, France, and England in their effort to reign the expansion of communist ideology in the region by some Asian countries.
- 2.4 Thus, while Thanos continued to operate as an entity registered in the BVI, some of the largest operating assets in the group were incorporated in Wonderland. Since 2002, Mr. Howard worked tirelessly to network with the military leadership of the country. In 2007, he was appointed a special advisor to the Ministry of Defence, Wonderland – which was recognized a hallmark for his personal brand as the incident represented the first instance of a non-citizen being invited to formulate the defence policy of the country.
- 2.5 After this retirement from the board of Thanos, Mr. Howard had gone on record to support a host of recent policies promulgated by the prince of Wonderland which were, ostensibly, aimed at increasing the concentration of the population density and demographics of Wonderland in favor of the Kobol people. The monarchy justified its policies behind a force of studies in the field of humanities. The official press release from the monarchy in 2014 criticised, the *“hyper-heterogenic growth of heretically marked tribes, responsible for depleting the feeble and limited shared resources at the disposal of the true beneficiaries of the offerings of the Kingdom of Kobol.”* The same press release vowed to undertake strict measures to purify the Kobol bloodline everywhere on earth and blamed followers of Xander for indoctrination of the Kobol people against the settled tenets of Cylonism.
- 2.6 The ICC Prosecutor has alleged that the accused is directly responsible for: (a) creating an environment of corruption and undue influence in the governance structure of Wonderland; (b) using this environment to draw favorable review of Thanos Group’s application to export arms to the Kobolians in Amberland; and (c) directly sharing and participating in the common political objectives of Wonderland against the government functionaries of Amberland in particular and the population following Xander in general, spread across Amberland. The ICC Prosecutor has also alleged that the evidence submitted before the court has annexures will represent the substantial gain directly made by Thanos Group during the years in which the accused influenced the officials of Wonderland while indirectly controlling the affairs of Thanos Group’s subsidiary based in Wonderland called **“Thanos X”**.

3. SITUATION

- 3.1 While skirmishes between the two communities of Kobol and Xander on matters of religious interpretations, culture, and politics were prevalent throughout the first decade of the new millennium, however, it was the result of the general elections held in 2015 that compounded the schism between these communities to destructive levels. In the general elections for the presidency held in 2015, Mr. Brian Garner, an ultra-conservative follower of Xander was declared a winner by a very thin margin. Mr. Garner's election to the post of the country's premier was quickly followed appointments to his cabinet of advisors and the law-making secretariat of the country. These appointments also reflected a heavy inclination towards a homogeneous majority of legislators belonging to the Xander faction. By the end of 2015, Mr. Garner assumed complete charge over the foreign policy of the republic and publicly conveyed his stance against continuing trade relations with Wonderland. Mr. Garner accused the monarchy of Wonderland of being responsible for influencing the internal affairs of Amberland and justified his aggressive foreign policy as a necessary measure aimed at protecting the sovereign interests of Amberland.
- 3.2 In response to such sweeping changes, the local leaders of the geographic terrains belonging to the Kobol communities-initiated mobilization of support groups to start an adverse campaign against the policies of Brian Garner. By April of 2016, these support groups became more active in the hamlets predominantly held by believers of Xander. Press releases from the period reported Kobolian ghettos springing on the outskirts of various Xanderian villages across the accessible terrains of the country. Local reports also suggested presence of forces which spoke unfamiliar dialects of the local language and heavy movement of men during the night-hours. By September 2016, tensions between Xanderians and Kobolians became most aggressive on a comparative scale. These tensions took the form of physical violence and were conducted through a militia of Kobolians called the Kobolian Resistance Army or the "KRA". State-sponsored media of Wonderland, in parallel, started an aggressive campaign of misinformation and propaganda about how the western interpretation of globalization has deteriorated the "purity" of the region to harmful measures and whether it was time for the Kobolians in Wonderland to drive support their bretheren in Amberland in their revolt against the oppression of the Xanderian government.
- 3.3 Such media campaigns riled up public sentiments in Wonderland against the elected government of Amberland. Thanos Group, observing the rise of such sentiments, used its own public relations machinery to lobby with the government to allow it to export weapons to the Kobolian factions fighting against the government in Amberland. By the end of 2016, the monarchy in Wonderland gave the royal seal of approval on the license which permitted Thanos to directly sell their products to the KRA in Amberland. Reports indicated that massive amount of corruption was involved in the process including kickbacks and indirect benefits of various forms extended to multiple parties including military seniors, bureaucrats and other government officials and even some members of the royal family of Wonderland. Apart from cash and cash-based incentives, reports indicated that lucrative assets in prime realty networks of Wonderland and the British Virgin Islands were also provided to those responsible for clearing Thanos Group application in the system.

- 3.4 Commentators, journalists and scholars involved in the conflict also pointed towards another relevant aspect of the arrangement between Thanos Group and Wonderland. This was the path of least resistance indicated by the senior management of Thanos Group towards the policies of the monarchy. While the rulers of Wonderland were clear about their intent to protect the life of Kobolians caught in the conflict in Amberland through any reasonable measure, Thanos Group was more than willing to offer its support to such ambitions to the extent possible for it under the given circumstances. It is widely believed that Mr. Howard was the point of contact, the common interface, and the architect of this alliance between Thanos Group and the government of Wonderland. Thanos Group, on its part, left no stone unturned in advertising that its dealings with KRA were backed with blessings directly from the royal family of Wonderland.
- 3.5 By mid-2017, the KRA had begun a strategic assault on the Xanderian population living on the fringes of the country – in far-off southern regions of the country which remained largely isolated from the seat of power in Amberland. These southern regions were historic bastions of the Kobolian population and were marked with little to no development in terms of infrastructure or assessability. The Xanderian population in these regions, albeit few hundred in nature, remained largely dependent on the whims of the Kobolian land-owners in the region. The executive wing of the government in Amberland had very limited influence or effective control over these regions.
- 3.6 It is believed that between the period of 2015 to 2022, some six hundred (600) men either belonging to the Xanderian population or those extending sympathy towards the victims of the KRA aggression have been killed by the militia. The magnitude of the violence perpetrated by the KRA created sub-optimal conditions for the habitation of the minority communities in the region and resulted in mass displacement of such individuals. As per local news outlets, the violence in the region during the given period resulted in the migration of some one hundred and twenty (120) households from the region resulting in one of the worst humanitarian crisis in the country.
- 3.7 The modus operandi adopted by KRA in its assault on the Xanderian population living in the southern quarters of Amberland relied upon two categories of machinery supplied by the Thanos Group. Firstly, sophisticated reconnaissance drones supplied by Thanos Group were used by the KRA operatives to analyze the placement, geography and population density of the relevant Xanderian population. The second facet of these operations involved the use of firepower by KRA factions which would arrive at the earmarked locations in the dead of the night and attack unsuspecting civilians with precision guns and grenades. With time, for the affected Xanderian population, even the first stage of this “double-fanged” assault became a trigger causing havoc on civil life. The sight of aerial manner vehicles polluting their airspace would create enough immediate panic in the population to trigger massive displacement. A village spotted by a drone had to be emptied as soon as possible to avoid a face-off with the KRA operatives against whose weapon-systems the locals and central forces of government (if available) failed miserably.
- 3.8 It is believed that this climate of fear and uncertainty, which extended for multiple years, was supported by the technicians working for Thanos Group who were directly deputed on ground by the accused to assist in the maintenance of the weapons and drones supplied by the company to KRA. These technicians also provided training in the use of such drones and weapons to these KRA operatives. This arrangement, over the course

of several years during which the conflict evolved, secured a proximity between the delegated technicians working for Thanos Group and the KRA leadership. This working relationship between the two groups drew heavy criticism from international media and networks of non-governmental organizations working in the field of humanitarian aid advocacy. Several scholars argued that implicit in international law framework is the responsibility of juristic entities to undertake diligence on the end-use of their products/services. Public forums discussed whether the law allows such entities to turn a blind eye towards the consequences of its business practices and operations on human life.

4. CONTEXTUAL FRAMEWORK

- 4.1 Through February 2021 to September 2022, several countries had imposed restrictions and sanctions on KRA leaders and Mr. Howard in response to their conduct against the Xanderian population. Some of these countries included western powers who were otherwise allied with the rulers of Wonderland.
- 4.2 In the face of such negative publicity, Mr. Howard was forced to resign from his public position by the monarchy. In October 2022, the United Nations threatened to move resolutions against Wonderland for supporting and indirectly sanctioning the violence in Amberland through the agency of the Thanos Group (“**October Resolutions**”). On November 2022, the Ministry of Justice of Wonderland, through a delegation of its senior-most prosecutors, in a much-publicized press conference, clarified its stance on the issue and swore that it never had any intentions or role in the perpetrating the violence in Amberland. The said prosecutors also indicated that they hold their commitment to its allies and the international community at large very dearly and will accordingly undertake all measures to secure severe punishment against the perpetrators of the said conflict to justice sparing no one. Heavy reliance was placed on the robust criminal justice delivery system of Wonderland by its prosecutors to argue that no person tried in connection with the crimes in Amberland will be able to prevail against the might of the State’s prosecution agencies.
- 4.3 Parallely, in December 2022, the ICC Prosecutor, with due authorization from the Pre-Trial Chamber, opened investigation into the Situation in the Republic of Amberland for the period stretching between 2014 and 2021. Several trials covering a wide variety of participants of the conflict were brought to the ICC to face trial with the aid and assistance of Amberland’s government and the surrounding countries.
- 4.4 In May 2023, in a rare triumph of accountability, a local court based in Wonderland found the chief technology officer of Thanos Group guilty for colluding with the KRA leadership and increasing the supply of weapons to the said group on credit-based facilities when defence forces of Amberland were trying to secure a safe passage for some villagers trapped in the dessert region of southern Amberland.
- 4.5 Similar prosecutions were launched against other managers and engineers responsible for actively helping the KRA in running an efficient attack program in Amberland causing massive displacement and/or murders of the minority communities.

- 4.6 In the interim period, Mr. Howard, in September 2022, was able to secure a non-binding amnesty deal from the Ministry of Defence against prosecutions relating to crimes committed against the civilians in Amberland. The news of such arrangement between the government and Mr. Howard invited severe criticism of Wonderland by the international community including some of its close allies such as the United States. A few months later, this amnesty deal, when sent for confirmation to the house of the royal family of Wonderland, was kept in abeyance. Subsequently, in November 2023, the Ministry of Defence underwent a shuffle with the appointment of Mr. Abel Gray, as the new Minister of Defence of Wonderland. Mr. Gray quickly issued a formal press statement clarifying that the amnesty deal worked up under the regime of his predecessor stood lapsed and that the country, contrary to popular belief, was not bound by any amnesty deal with Mr. Howard. This clarification was specifically made public within a month of the proposed October Resolutions. However, the government of Amberland disapproved of such measures suggested by Wonderland. Amberland has claimed that Wonderland's clarifications are aimed at: (a) controlling the negative narrative building against it in the international community; and (b) simultaneously preventing any international organization from discovering or reviewing sensitive material which may expose its policy aimed at displacing the Xanderian population in neighboring countries including Amberland to secure reorganization of political boundaries on grounds of religious sects.
- 4.7 In May 2023, while travelling through South Africa, Mr. Howard was apprehended and arrested by the local authorities in South Africa in the context of the arrest warrant issued against him by the ICC and the ICC Prosecutor was able to secure the formal arrest of Mr. Howard to stand trial before the International Criminal Court.
- 4.8 Mr. Howard, through his defence counsels, decided to face such trial and argue against any allegations of wrong doings within the jurisdiction of the ICC.
- 4.9 In the confirmation of charges proceedings before the ICC, it has been alleged by the ICC Prosecutor that the supply of machinery and weapons by Thanos Group to the KRA and the subsequent act of assistance extended to them by the company should be evaluated as part of the syndicated attempt to hunt and eradicate Xanderian population and that the accused should be tried in connection with his role towards the aid extended by him towards the commission of such crimes under the ambit of Article 25 of the Rome Statute.
- 4.10 The Defence Counsel representing the accused, in their defence before the ICC, have argued that each of the two charges confirmed against the accused are devoid of merit as will be established through examinations of the witnesses and assessment of the facts relating to the case.

5. CHARGES CONFIRMED

- 5.1 The relevant Pre-Trial Chamber of the International Criminal Court, based on the submissions made before it by the Office of the ICC Prosecutor, and the Defence Counsel, and in appreciation of the evidence, testimonies and amicus briefs submitted before it by the relevant parties, confirmed the following charges against the Accused in connection with the Situation under investigation in the Republic of Cthulhu.
- 5.2 The following charges, within the jurisdiction of the ICC have been confirmed by the relevant Pre-Trial Chamber:

S. No.	Charge Confirmed
1.	<p><i>Article 7(1)(a)</i></p> <p><i>The crime against humanity of murder conducted as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.</i></p>
2.	<p><i>Article 7(1)(d)</i></p> <p><i>The crime against humanity of deportation or forcible transfer of population conducted as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.</i></p>

6. PROCEEDINGS BEFORE THE TRIAL CHAMBER

- 6.1 Following the confirmation of charges, Wonderland filed an application before the ICC, requesting the court for grant of a leave to participate in the trial of Mr. Ryan Howard. The state asserted that the facts submitted before the relevant Pre-Trial Chamber can be reassessed and recharacterized to modify the charges confirmed against the accused.
- 6.2 Their prayer was based on the argument that for the facts relating to the charge under Article 7(1)(d), as confirmed against the accused, a trial has already been initiated by the municipal courts of Wonderland, and that accordingly, the relevant Trial Chamber may consider deferring exclusively to the proceedings in such municipal court relating to the said charge while retaining the decision to continue the trial on facts relating to the charge under Article 7(1)(a) as confirmed against the accused. The government of Wonderland, in support of such assertions, submitted the relevant documents under municipal laws for reference before the relevant Trial Chamber.
- 6.3 To buttress its arguments, Wonderland argued that it should be allowed to participate in the trial of the accused, and lead evidence to show that: (a) in light of the scheme of the Rome Statute, in particular the scheme provided under Article 19(2)(b) read with other

relevant provisions of the Rome Statute and the rules and regulations made thereunder, it would be appropriate for the ICC to allow Wonderland, as a state both willing and capable of prosecuting the accused for the crimes relating to forced displacement of the Xanderian population; and **(b)** its testimony and arguments will assist the court analyzing the conduct of the accused relating to the crime against humanity of murder.

- 6.4 The relevant Trial Chamber – Trial Chamber II - after due consideration and following the due process prescribed under law, granted in favor of Wonderland the leave to make written submissions and oral arguments (including examination of relevant testimonies) before the said chamber relating to arguments under Article 19(2)(b) relating to the charge under Article 7(1)(d) and on the other charge confirmed against the accused, each in accordance with the prescribed rules and process of the competition.
- 6.5 The parties to the competition are now expected to make written submission and argue before the relevant Trial Chamber in their capacity either as a counsel for the Office of the ICC Prosecutor, as the Defence Counsel, or as the legal representatives of the Wonderland.

7. WITNESS TESTIMONIALS

Note: The various testimonies/profiles forming a part of this Compromis are not to be construed as formal transcripts of the statements given on oath or under any kind of judicial orders by the witnesses. These are mere indicators of the knowledge of the witness regarding the relevant circumstances attached with the subject matter of the testimony to be given before the Trial Chamber. However, the participants are at liberty to bring to the notice of the Chamber such instances where the concerned witness testifies against the fulcrum of the witness biography. The Chamber will decide upon the severity and significance of such instances based on the merit of the question(s) posed by the concerned participant during the witness's examination/cross examination process.

WITNESS PROFILES

ICC PROSECUTOR'S WITNESSES #1

Name: Ivan Smith

Nationality: Citizen of Amberland

Age: 32 years

General Description: The Witness is an experienced and popular journalist who has written several books and papers on various socio-political issues on Wonderland and its politics. He is currently writing a manuscript on the relevance of corporate entities in the perpetration of international crimes. He seeks to highlight the motivations and context in which the accused can be held responsible for perpetrating the violence in Amberland by relying upon his in-depth study and years of journalistic observations of the geo-political developments in Wonderland.

Communication:

“The underlying current with which the accused rose to power in Wonderland was the unspoken mutual promise of maintaining silence over the end-use of the weapons which will be manufactured to the KRA. Wonderland, driven by a historical hatred towards Xanderian population, wanted the KRA to hold its ground against the forces of the elected government. For this, advanced weapons would have to be supplied to the KRA. The accused, by virtue of a pattern of indirect holdings which included the use of special purpose vehicles and complex convertible securities, effectively controlled an empire which had those weapons. The accused in turn wanted to grow his business. They were a match made in heaven. There is enough data out there to show the phenomenal rise of Thanos due to the nefarious means adopted by the accused. You don't regularly see random companies providing services and also be your largest shareholder. All this was done in plain sight. And yet the national regulators never bothered to investigate Thanos X's affairs.

All that Wonderland had to do was grant Howard's company a license and turn a blind-eye on where and to whom he was supplying weapons. All that Howard in turn had to do was create a façade that the supplies made to KRA was business as usual and that businesses don't hold moral judgements over their customers. Businesses serve.

The arrangement was working wonders. Until international pressure blew up on their face.

We must understand that the arrangement between the KRA and Thanos was not a one-off transaction. This arrangement stretched across years. Thanos sent weapons, tutored KRA terrorist on ways and means to destroy lives with those weapons, and, in the case of the use of those drones, operated such drones directly on orders from the KRA leadership. We also need to understand that without the assistance of Thanos, KRA could not have matched the might of Amberland's defence forces. And that had the same weapons been given to Xanderian

population under “business as usual” façade, Wonderland would be reacting in a very different way to the breach of the conditions upon which licenses to export weapons are granted to Thanos.”

ICC PROSECUTOR'S WITNESSES #2

Name: Oliver Jones

Nationality: Citizen of Amberland

Age: 28 years

General Description: The Witness is a survivor from the Xanderian community in the Southern region of Amberland. The witness was chased out of her village by the KRF militia and her testimony, extended on a confidential identity basis, deals with the suffering and perspectives of the victims in the said case.

Communication:

“Discrimination against us was present much before the election of our people to the seat of power in Amberland. The South belongs to the Kobols and KRA has always been its sentry and administrator. However, the election results brought with them an unprecedented wave of violence. KRA was different now – they no longer relied on machetes or petrol bombs. Instead, they had a method, a new and refined mind planning physical and a psychological warfare against our people in the South.

Every person in our community was aware of the buzzing sound of the mini-helicopter in the sky. Every child was capable of identifying a drone when it appeared and if it did. The done after 6 months of carnage had become a symbol – a symbol of the march of death itself.

The drones would fly at will for prolonged times – day and night – on loop. When one lost its juice, two others took place. They filled our sky and open spaces and traced each and every moment of ours – whether in public or private. Attacking the drone was out of question – it could fly beyond our reach and even if one of us succeeded in bringing something down, that person was destined to be shot at point blank range by the KRA operatives. I will fail at describing in words the terrifying and helpless environment created by those drones. But the fear they drove in us resulted in large number of families leaving large amount of wealth behind them, for the KRA to loot and plunder in, in search of safer pastures through the dominant heat of the desert regions or the waves of the water shore. This migration caused an enormous amount of suffering for our people – we have been living in the south since the time of our great grandfathers and now suddenly we lost our identity as Xanderians from the south.

I would also like to add that every year, the accused was spotted in the warehousing units of these poisonous weapons - personally undertaking townhalls of the employees in these units. My own son worked as a janitor in such facilities and often saw the accused in meetings with the board of directors and senior management from Thanos's affiliate and local employees in Amberland.

Finally, the ICC should consider appreciating those displaced in the same category of victims as those who were murdered by the weapons given by Thanos to the KRA – as the same was planned and supported by the accused as a collective exercise aimed at bringing the ruin of the Xanderians from the south.”

DEFENCE WITNESSES #1

Name: Mr. Ryan Howard

Nationality: Citizen of Amberland

Age: 63 years

General Description: The Witness is the accused in the present case. His testimony relates to his perspectives on the allegations levelled against him by the ICC Prosecutor in the context of the charges confirmed against him.

Communication:

“I request the ICC to appreciate that I have been offered as a scapegoat in this situation to pacify the uproar created against the situation developing in Amberland. Nothing on record corresponding to my true conduct can be linked with any criminal intent. My defence is to bring forth before this court the real state of affairs regarding my involvement in the alleged dealings between Thanos Group, KRA and/or Wonderland.

I should be noted that I am not a trained soldier or a mercenary. This is to clarify that I have no understanding of or training in the savagery with which the KRA attacked those helpless civilians in Amberland. I am an engineer, passionate about the laws of physics. I am an entrepreneur who sought to create an asset of value and distribute such value towards the betterment of my shareholders, and the society at large.

I have long retired for actively managing the affairs of Thanos. I have been sitting behind a desk and working as an advisor to Wonderland. I did not pull the trigger on those civilians who died during the course of the conflict in Amberland, nor was I the commander or aider or abettor in the action that led to the death of all those individuals. The drones belonged to KRA, were manufactured for them and I am not a part of that group. I have only been to our warehouse in southern Amberland only 5 times since 2016 – and those visits were limited to verifying the fulfilment of Thanos’s contract with the KRA – something that most large shareholders entrusted in me.

Further, my business interests in Thanos, as questioned in this trial are my private interests and have nothing to do with the assistance I may have given to the government of Wonderland as an advisor. Further, seeking profit maximization in and of itself cannot be termed criminal. Yes, we wine and dine with army officials to seek preferential treatment. It’s called lobbying and there is nothing unethical or illegal about commercial lobbying.

Lastly, it was the rulers of Wonderland who may or may not have had the intent of political interference in Amberland’s conflict. I have consistently maintained that as a consultant, I always remained an outsider – incapable of influencing or dictating policy at the State level. I was neither a public official nor attached to the executive wing of the defence forces.”

DEFENCE WITNESSES #2

Name: Oscar Walsh

Nationality: Citizen of the United States

Age: 38 years

General Description: The Witness is the chief executive officer of Thanos Group. His testimony relates to the role played by the Thanos Group and the accused in connection with the business and operations of the corporation.

Communication:

“Arm’s manufacture is an inherently infamous activity. We are judged and persecuted far more methodologically than any other industry. And this judgement against us exists despite a plethora of national and international laws – treaties, customs, and statutes alike.

Thanos, mindful of the circumstances and the regulatory framework in which it operates, believes in absolute adherence with applicable laws. We take pride in what we have built at the group level – one of the world’s largest manufacturers of arm’s and associated technology developed through years and years of dedicated research and development. And none of this success would have been possible without the visionary guidance of founder figure – Mr. Howard.

But since 2006, Mr. Howard, in his generosity, has continuously diluted his position in the company to promote the next generation of leaders and engineers and to give platform for the company to organically pivot to emerging technologies in the business. This shift coincided with his personal choice to laterally enter public service through the Ministry of Defence. Finally, in 2014, he hung his proverbial boots by resigning from our board and assuming the titular role of chairman emeritus on the request of our stakeholders including the other former founders. Therefore, it will be trite to say that roughly by 2010, Thanos was effectively being run by a new set of key managers and the role of Mr. Howard was reduced to that of an advisor and well-wisher which he fairly attended to as our largest shareholder.

I also want to clarify that neither is the Thanos Group, nor Mr. Howard in any capacity liable for the allegations made against them in connection with this matter. No individual criminal liability can be fastened against us – the end use of products purchased from a retailer/manufacturer are beyond the field of control or contemplation of the manufacturer including a manufacturer dealing with arms.”

WONDERLAND'S WITNESSES #1

Name: William Morrison

Nationality: Citizen of Wonderland

Age: 36 years

General Description: The Witness has been a former judicial officer in the justice delivery system of Wonderland and has been a judge in the crime and justice branch of the judiciary April 11, 2019, to November 2, 2019. The Witness's testimony relates to the criminal justice system of Wonderland.

Communication:

"Mr. Howard functioned as the closest confidante of the military leaders of Wonderland. As an outsider, he achieved unparalleled success and proximity with the leadership of the country's defence forces. He was considered untouchable, even by those who saw him as a threat to their own ambitions in the country. There was no branch of the government left untouched by his influence, whether direct through his role as an advisor to the Ministry of Defence or indirectly through his good offices as the effective owner of a corporation as large as Thanos.

However, I stand behind the neutrality of the criminal courts in Wonderland. Our judges are perfectly capable of appreciating evidence submitted by the investigators from the military of defence in any matter before them. Such judicial assessment of evidence does not face any interference from either the government or the royal family. Further, the courts in Wonderland have had historic track record in upholding our commitments under international law framework. Accordingly, complex matters dealing with cross-border impact of the actions of individuals or entities operating from Wonderland have also been handled by our courts with adept precision and efficiency. The legal system of the country, a dualist system, thus prepares local tools to address infraction of international law by relevant individuals.

To understand our country's capabilities in serving justice, we must appreciate the holistic network of feedback received by the judiciary. The judicial branch is dependent on the investigation carried out by municipal investigators. In case of infractions relating to personals connected with the defence forces, this task is assumed by the Ministry of Defence. Once submitted, the material placed on record is used by the prosecuting military officials to argue a case before the tribunal of judges. This tribunal is at liberty to analyse the material submitted before it.

Our defence forces have had a spotless run in the past. I have no doubt in my mind that the Ministry will undertake all necessary measures to not allow its reputation to be negatively impacted due to the allegations and controversies being discussed in the public on this issue."

WONDERLAND'S WITNESSES #2

Name: Mr. Abel Gray

Nationality: Citizen of Wonderland

Age: 59 years

General Description: The Witness is presently serving as the Minister of Defence in Wonderland and has worked with the accused in various capacities in the past. The Witness is also responsible for authorizing the various statements and press releases given by the Ministry of Defence in connection with the plea to allow Wonderland to exercise jurisdiction over the accused in connection with the allegations relating to attempt to displace people belonging to the Xanderian population from the southern regions of Amberland.

Communication:

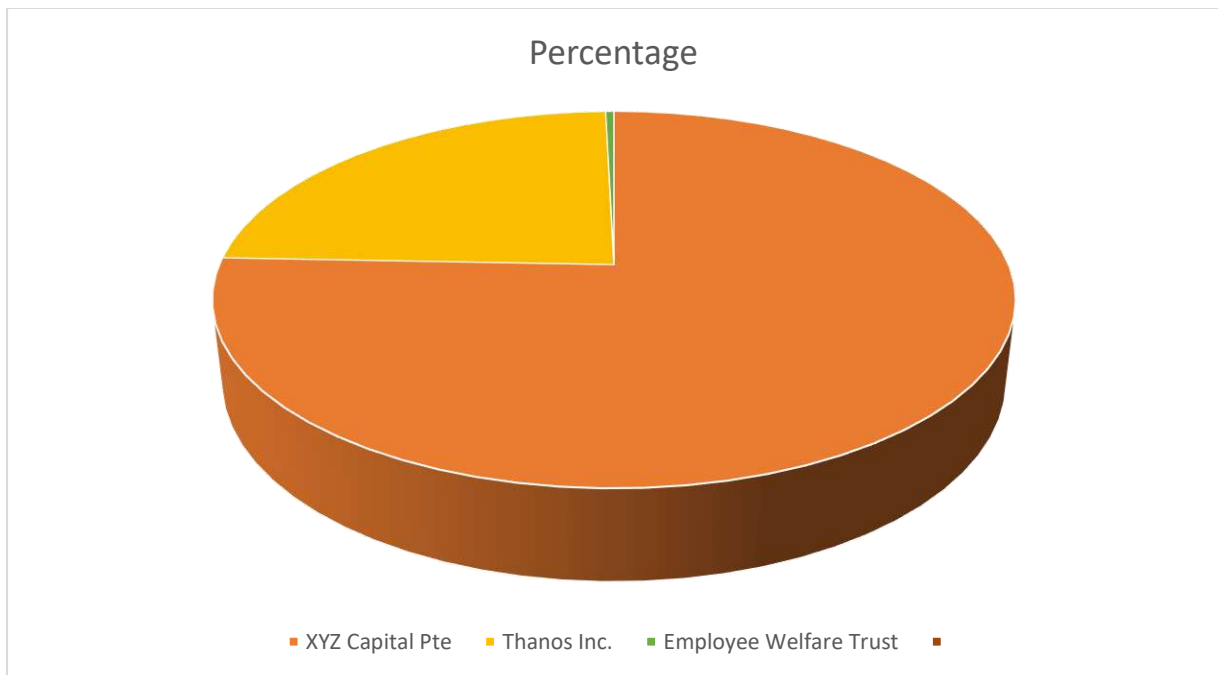
“I am a proud public functionary of the greatest country in the world, and I am here to clarify that Wonderland is both prepared and committed to address and test all claims against the accused’s involvement in using drones to trigger fear mongering amongst the humble Xanderian population of the southern Amberland. Our courts and enforcement agencies are objective and impartial. We plan on holding the accused to the strictest rigors of prosecutorial might and make a lesson for the rest of similarly placed individuals who plan to use our generosity in making personal and illegitimate gains.

We would also point to the ICC that it is bound by the spirit of the Rome Statute which mandates deference to municipal laws wherever a state party wants to intervene and take over the prosecution of relevant cases. To that extent, it is my humble request to the court to appreciate the complex and special circumstances relating to the second charge confirmed against the accused. We posit that Wonderland is most ideally suited to investigate and prosecute the facts relating to large scale forced migration imposed against the believers of Xander as alleged by the prosecutor. We have all the necessary resources required to meticulously examine the facts and collect relevant data and evidence on the issue. We also have a strict legal framework which will prevent the accused from accessing any relevant information relating to the charges for which he will be prosecuted. We are cognizant of the gravity of the allegations made against the accused and we will deploy the best of our investigators and military officials on this matter.

We thus request the court to only prosecute the accused for crime against humanity of murder in accordance with the rules of international law and allow Wonderland to address culpability relating to the allegations of mass migration caused by Thanos’s officials including the accused.”

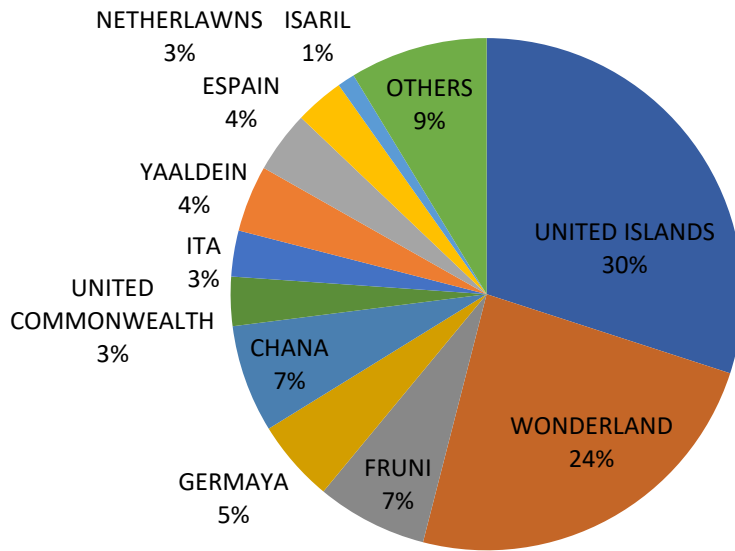
8. ANNEXURES

ANNEXURE 1: SHAREHOLDERS OF THANOS X



ANNEXURE 2: ARMS EXPORTS BY WONDERLAND

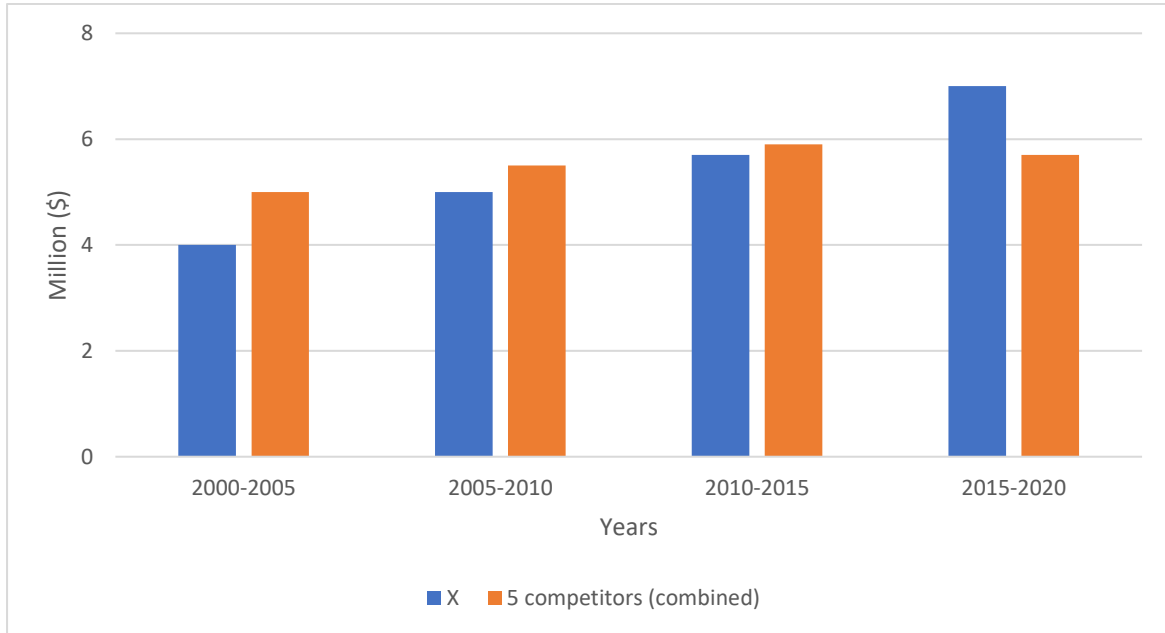
GLOBAL SHARE OF ARMS EXPORT BY THE TEN LARGEST EXPORTERS 2014-2018



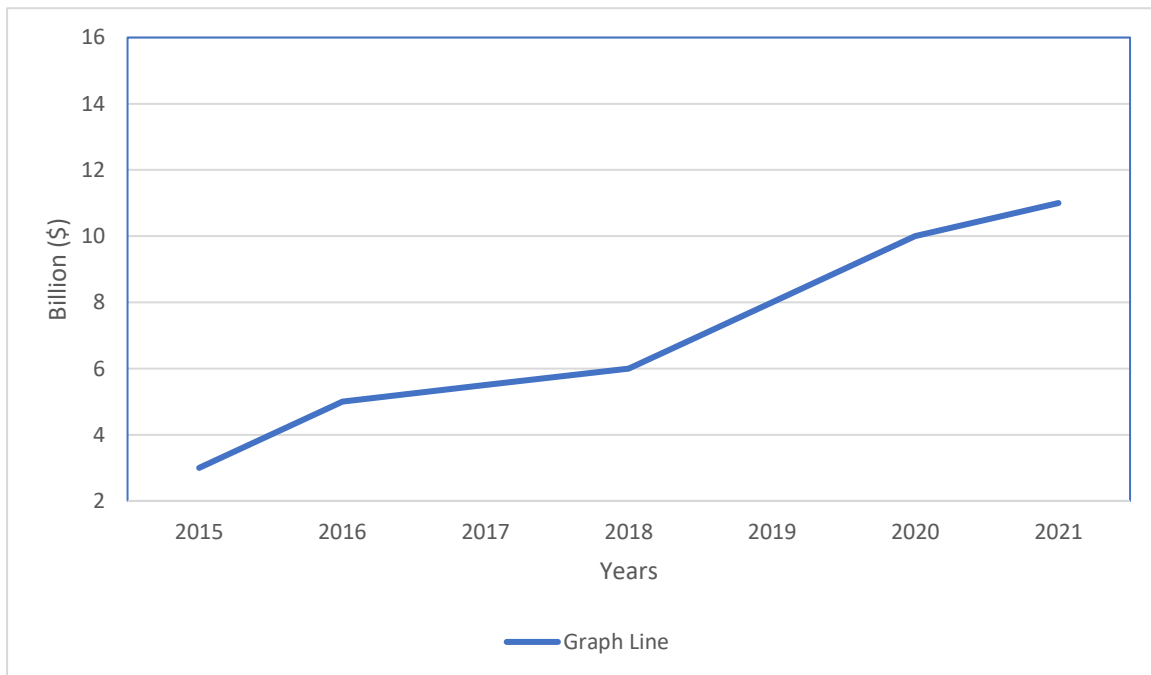
ANNEXURE 3: STATISTICS

3.1

X represents Thanos Group. This is a chart depicting the profits made by the Thanos Group compared to its direct competitors.



3.2 This represents the revenue by the Thanos Group from 2015 – 2021.



ANNEXURE 4: SHAREHOLDING OF XYZ CAPITAL PTE.

SHAREHOLDER	EQUITY	SERIES A CCS	CCD 1	CCD 2	G	TOTAL	% FDB
Zack	525					525	5.25
Cody	525					525	5.25
Zoe	525					525	5.25
Haldiya Co.	200	20	150	150		600	6
Abir Mahajan	220			300		520	5.2
Abel Gray	440	1040	600	250		2480	24.8
Taylor Co.	230		50	220		500	5
Roy	80					80	0.8
Ryan Howard	700	80	100	50	1	3700	37
Anant & Partners	400		130			530	5.3
Zara	5	3	7			15	0.15
TOTAL	3850	1143	1037	970	1	10,000	100
ISSUED SHARE CAPITAL= 10000							
% FDB = % OF FULLY DILUTED BASIS (% OF 10000)							
G= GOLDEN SHARE WITH A CONVERSION RATIO OF 1:3000							

Weekly

JUSTIFIED

2nd May, 2018



DEATH AND ITS LOVE FOR (OUT)SOURCING AND MORE

British Virgin Islands

Thanos Group, and by imitation an abundance of the world's biggest arm's exporters and manufacturers, have a new love interest to follow this season of conflicts—decentralized outsourcing. Of course, the term doesn't inspire many notions of romance in its own, but, for management of one of the world's most profitable harbinger of misery, the term represents a major overhaul of its erstwhile and largely inefficient methods of production.

The idea encapsulated in the term “decentralized outsourcing” is primarily a divorce from the loneliness that may come from micro-managing every aspect one's supply chain and public relations. This relief, for companies like the ThanosInc., means more working capital to dispense with, and for its human capital - massive downsizing. This happens because a lot of work (and associated decision making) regarding the distribution channel of arms produced, as well as the after-sales aspects gets delegated and routed through companies such as XYZ Capital Pte, incorporated in Panama.

The strategy to employ relatively unknown firms (more on this later) like XYZ Capital Pte seems to suit the appetite of Thanos's shareholders for expansion and leverage into

newer geographic territories, even though the same may fall foul of the securities market regulators in the US and the EU. Its Chairman Emeritus – Mr. Ryan Howard – told our reporter this dynamic and distributed model of supply chain management allows Thanos greater flexibility in keeping up with the regulatory challenges evolving across different jurisdictions the company has to watch-out for in designing and creating such powerful weapons system.

Even though the company's decision to use such shadow corporations to export arms and ammunitions to conflict zones such as Amberland and other under-developed countries based in South America has raised concerns among the human rights defenders based in the continent, the company's management under the leadership of Mr. Howard is quick to dodge or dismiss any public debate on increasing the accountability of such arm's manufacturers. Last week, in a global summit on emerging technologies in the field of sonic mapping held in Singapore, Mr. Howard declared in a press conference, "[...] Our strategy is always in sync with applicable law – whether domestic or otherwise. The decentralization is aimed at reducing inefficiencies in some important product segments. Our PR teams are in constant touch with stakeholders in most countries where our products are supplied to bring any and all necessary concerns to our notice."

Be that as it may, our investigations revealed that there is little awareness out in the corporate circles of Panama about the activities or even the existence of XYZ Capital Pte. Aside from the obvious signs such as the absence of any dedicated web address, prominent registered physical address of the company, signboards or advertisement whatsoever, the company's annual filings have also been scarce and timid in detailing crucial information about the company. To make matters worse, its registration has been done by a corporate service provider (CSP) which has been the subject of multiple investigations across different jurisdictions for the deeds of the shell companies opened by the CSP. Lastly, having been incorporated in the year 1993, XYZ Capital Pte has been sitting in the shelves for 10 years before being commissioned into service for Thanos Inc. and his affiliates.

However, legality of its operations aside, the utility of such special purpose vehicles is hardly new in the corporate world and has been argued as indispensable to the establishment of a dominion in any emerging market. What remains to be seen though, is how long before this romantic tryst between major enterprises and shell companies becomes a scandal!

9. NOTES

- (a) Save and except as provided under the Compromis, any questions pertaining to the process of the ICC, shall not be raised by the participants.
- (b) The participants are requested to solely rely on the facts given in the official Compromis under strict application of the principle - "*as is, there is...whatever where is.*"
- (c) The participants are at the liberty to develop multiple strategies to be used in the different oral rounds of the trial, and the same is encouraged, including flexibility in the decision as either ICC Prosecutor and/or the Defence to either support or reject the assertions of the State party to the trial.
- (d) Notwithstanding anything mentioned in Point (c) above, the memorials submitted by the participants shall cover all aspects of the law as applicable to the factual matrix in the backdrop of the charge confirmed against the accused.
- (e) The participants are encouraged to understand and showcase the technical nuances of different events covered in the factual matrix.
- (f) Through oral submissions, the participants in their respective roles are expected to appreciate the procedure developed and used by the International Criminal Court. Additionally, the participants are also encouraged to appreciate and put into use the various principles of international criminal law and public international law explored in various parallel jurisdictions and justify the application of the same in an ICC based trial with cogent reasons.
- (g) The official Compromis, including all the annexures, is a work of fiction and has been framed with the sole intention of facilitating the advanced study of international criminal law and for the development of professional advocacy skills of law students. The official Compromis has no connection, intentional or otherwise, to any historical/present political, sociological or cultural event and does not represent any ideology or affiliation to any political/non-political issue.
- (h) For the purposes of this Compromis, the states mentioned hereunder are deemed, and the participants are requested to assume accordingly, to have signed and ratified each of the treaties relevant to the case including the Rome Statute, the Arms Trade Treaty, and the UN Charter.