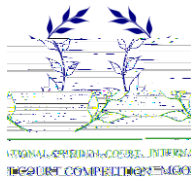


ICC Moot Court Competition Problem 2017

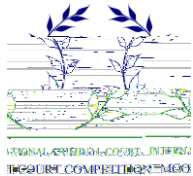
Case before the International Criminal Court (ICC):
Prosecutor v. Tarion Bannister of Valaria

Appeal from the Pre-Trial Chamber's Decision on





5. On 15 March 2016, pursuant to Article 57 of the ICC Statute, the ICC Pre-Trial Chamber authorized an investigation into the crimes committed in Valaria against the Verdache people; on 2 July 2016, pursuant to Article 58, the ICC issued a warrant for the arrest on charges of genocide and crimes against humanity of Tarion Bannister who was specifically named as a major perpetrator in the 10 June 2016 International Rights Watch Report and known to be living in Quirth; and on 3 July 2016, the Pre-Trial Chamber appointed a Common Legal Representative to serve as counsel to the Verdache victims under Article 68 of the Statute.
6. On 5 July 2016, shortly after Quirth notified Valaria and the ICC that it had no intention of arresting any of the Dothrocky Riders or former Valarian officials who had taken refuge in its territory, the military government of Valaria sent a special forces unit into Quirth, which captured Tarion Bannister, who had been living openly in a Quirth town near the Valarian border. Since Valaria does not have a domestic law enabling it to prosecute the crime of genocide, on 9 July 2016, the interim government of Valaria turned Tarion Bannister over to the ICC, which appointed him Defense Counsel pursuant to Article 55.
7. The Prosecution and Defense have stipulated that Tarion Bannister was 18-years-old at the time of the acts alleged in paragraph 7 of the 10 June 2016 International Rights Watch Report. They further stipulate that Tarion Bannister was kidnapped from a small village in southern Valaria by the Dothrocky Riders in 2006 when he was 8 years-old and forced to serve as a child soldier. From age 8 to age 15, he was subject to forcible indoctrination, including through beatings and involuntary use of narcotic drugs. Other child soldiers who disobeyed commands or attempted to escape were tortured and killed in front of him by John Sleet and his lieutenants. The Prosecution and Defense do not agree on the legal significance of these facts.



former status as an involuntary child soldier, and therefore the charges against him must be dismissed.

Findings and Conclusions

9.

