





institutions 4 X H H Q ¶ V U n i D e s i g n e d t h e m o s t c i t e d l i v i n g i n t e r n a t i o n a l l a w s c h o l a r i n t h e w o r l d , D r . D a n i T a r g a r i a n , w h o i s t h e D e f e n d a n t i n t h i s c a s e . S h e h a s b e e n c h a r g e d w i t h a i d i n g a n d a b e t t i n g t h e C r i m e o f A g g r e s s i o n .

4. Relevant to this case is the mineral cobalt, whose unique properties make it an essential component for the production of batteries that power electric 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. The Democratic Republic of the Congo is 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 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



building in Winterfall but soon escalated into mob violence, acts of arson committed against several buildings in the area. In immediate response, Bravos fired dozens of Chlorine Aerial Bombs at the rioters. 1400 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 an 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 protests 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 communiqué dated 8:00 AM July 29, 2018, to the President of the U.N.



legal opinion on the legality of such actions 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 possible. On July 27, Dr. Targarian emailed President Bannister the first draft of the memorandum, which is included as **Appendix 2** of this opinion. It concluded that



17. The objections of the Defense

In a



- 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 fully 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 V H L J H G L Q D Z D U U D Q W O H V V V H D U F K R I Cilanta is admissible in these proceedings.



action. 8 Q G H U W Justification of 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 8 . ¶ V D U 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 civilian protests in the cities of Gulftown, Newtown, and Hightown.



Appendix 3
Final Version of Dr. Tar JDULDQ Trandum PR
on Legality of Contemplated Airstrikes

July 28,2018

Hon. James Bannister, President of Astipur



(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 Gultown, 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 D 3 H U P D Q H Q W 0 H P E H I S B A R W K I T E R A F O X A O F I M S, ¶ V including the international law prohibition on the use of chemical weapons. There exists no practicable alternative to the use of force to degrade the R E Y H U Q P H Q W C H E M I C A L U D Y R V ¶ 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 V F K H P L F D O Z H D S R Q V F D S D E L O L W \ D Q G G H W H I attacks is legally justifiable under international law.

Sincerely,

[signed]

Dani Targarian, JD., LL.M., S.J.D., Ph.D.
Professor of International Law

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