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SITUATION IN THE DEMOCRATIC REPUBLIC OF RAZACHSTAN

VICTIMS' ADVOCATE MEMORIAL

The Office of the Victims' Advocate:
Syracuse University College of Law

No: ICC-01/06

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INDEX OF ABBREVIATIONS

¶	Paragraph
Art.	Article
Cl.	Clarification
ICC	International Criminal Court
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IST	Iraqi Special Tribunal
Premb.	Preamble
R.	Record
U.N.	United Nations

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**Cour
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No. ICC-01-06

Date: 6 September 2006

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APPLICATION FOR PARTICIPATION OF VICTIMS IN PROCEEDINGS

Pursuant to Rule 89 of the International Criminal Court's Rules of Procedures and Evidence, the victims of the crimes for which the Defendant Fatari Soldiers are being prosecuted, respectfully request the opportunity to present their views and concerns to this Trial Chamber. ICC-ASP/1/3, Rule 89.

Victims applying to participate in this case are members of the Marijani caste in the Buchari Province of Razachstan affected by 1) the killing of nine men, 2) the rape and mutilation of 17 women, and 3) the torture of several villagers.

Victims make this pleading in opposition to Razachstan's Article 19 request to return this case to the jurisdiction of Razachstan's national courts.

Office of Victims' Advocate
Marijani Liberation Front
2001 State Road
Buchari Province, Razachstan

PRELIMINARY STATEMENT

The present hearing results, pursuant to Rule 58 of the Rules of Procedures and Evidence, from Razachstan's petition challenging admissibility of the case against the Fatari soldiers before the International Criminal Court. The Victim's Advocate respectfully requests that this Court find (1) that it does have jurisdiction over this case, and (2) this case is admissible before the Court.

1. Jurisdictional Arguments Before this Court

The defendants' conduct, as charged, falls completely within the subject matter jurisdiction and temporal jurisdiction prerequisites set forth in the Rome Statute. Specifically, the I.C.C. has subject matter jurisdiction over the Fatari 27 because the Quarci occupation of Razachstan constituted an international conflict and the Fatari 27's attack was perpetrated against the Marijanis. Also, the I.C.C. has temporal jurisdiction over this case because the prosecution of the Fatari 27 does not violate the requirements set forth in Article 11 and the actions of the Fatari 27 constitute "continuing crimes" as defined by numerous international human rights bodies. Moreover, the Fatari 27 were acting as part of a U.N. peacekeeping force when they committed these crimes and their actions are subject to the laws of Fatar, not Razachstan, under principles of international humanitarian law.

2. Admissibility Arguments Before this Court

This case is admissible before the I.C.C. because the admissibility of the present matter does not violate the principle of complementarity. This is so because no national court that could exercise jurisdiction, Fatar or Razachstan, is genuinely willing to prosecute the Fatari 27. This Court has not yet decided the weight a voluntary referral has on the "unwillingness" or "inability" requirements under Article 17, as Razachstan initially filed the voluntary referral before requesting jurisdiction be returned to its national courts, making this jurisdictional challenge both untimely and suspicious. Moreover, Razachstan is genuinely unable to prosecute the Fatari 27 with their feeble national judicial system in place. The I.C.C.'s exercise of jurisdiction over the present case would best serve the interests of justice, especially for the Marajani victims who feel they will not receive fair and adequate representation if this case is tried in Razachstan.

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As such, the Victims' Advocate asks the Court to find (1) that it may properly exercise its jurisdiction over this case, and (2) that this case is admissible before the court.

STATEMENT OF FACTS

The Marijani people have long been the victims of discrimination in Razachstan, a South East Asian country. R.1. The Razachstani social structure centers around a caste system, in which the Marijanis are the “lowest of the low,” and treated like second-class citizens. R.1,8. During the nine year Quraci occupation of Razachstan, the number of violent crimes against the Marijanis tripled – rising from 500,000 to 1,500,000 crimes annually. R.1.

When the international community became aware of these brutal and oppressive acts committed by the Quraci forces in 2002, the U.N.'s Security Council issued a Chapter 7 resolution to send its peacekeepers into Razachstan in response. R.2. Along with twenty other countries, the neighboring country of Fatar sent troops to aid the coalition. R.2. On December 5, 2004, U.N. coalition forces liberated the Razachstani province of Nadir, the Quraci principle base of operations. R.4. Within a week, a cease fire was ordered and the Quraci troops surrendered. R.4.

The U.N. coalition forces maintained their presence until the Razachstani provisional government was established on December 31, 2004. R.5. In February 2005, U.N. coalition forces discovered 27 Fatari soldiers (hereinafter “Fatari 27”) occupying a Marijani village in the Buchari province. R.7. Dissatisfied with the U.N. leadership, the Fatari 27 had broken away from the U.N. coalition approximately fourteen months earlier, and had remained in the Marijani village. R.3,7. The Buchari province is almost exclusively inhabited by Marijanis. R.3. During the Fatari 27 occupation in the Buchari province, the Marijani villagers indicated that these soldiers killed nine men, raped and mutilated seventeen women, and tortured several villagers. R.7. Upon hearing these allegations, the U.N. coalition troops took the Fatari 27 into custody. R.7.

At the time the Fatari 27 were captured, the Razachstani provisional government operated under a U.N. negotiated accord until democratic elections could be held. R. 5,7,10. After some debate, the provisional government members were indecisive as to the fate of the Fatari 27. R.8. Although some provisional government members were angry and wanted to immediately execute the Fatari 27 for their horrific crimes, other members felt that the crimes did not warrant punishment by execution because the victims were only Marijanis. R.8.

Although the provisional government members attempted to contact Fatar about its soldiers, the members assumed that Fatar did not intend to exert jurisdiction in this matter. R.8.

Working with the provisional government, U.N. officials suggested that Razachstan turn the Fatari 27 over to the International Criminal Court (hereinafter "I.C.C.") for prosecution, as it would be quite some time before the Razachstani courts had the ability to properly try the Fatari 27. R.8. The Fatari 27 were subsequently turned over to the I.C.C. in April 2005. R.8.

The I.C.C., based on its jurisdiction over crimes arising during an international conflict in the territory of a signatory state, charged the Fatari 27 with the following crimes after a month long investigation: crimes against humanity (murder) and war crimes (willful killing, attacking civilians, excessive incidental death, injury or damages, murder), all under Articles 7 and 8 of the Statute of the I.C.C. (the Rome Statute). R.8,9.

In May 2005, a month after it turned the Fatari 27 over to the I.C.C., Razachstan filed a petition with the I.C.C. challenging the Court's jurisdiction over the situation. R.10. Shortly afterward, in early July 2005, the newly elected Razachstani Prime Minister, Khalid Faraz, met with I.C.C. prosecutors, urging the return of the Fatari 27 to Razachstan for trial. R.10. Prime Minister Faraz claimed that Razachstan now had a criminal court and that the Fatari 27 would not be subject to execution. R.10.

After learning that the Fatari 27 were charged with crimes against the Marijani victims under the Rome Statute, representatives of the Marijani Liberation Front appeared before the I.C.C. to challenge the Razachstani petition, arguing that these victims would not receive justice in the national court because of their extensive history of systematic discrimination at the hands of the Razachstanis. R.11.

Fatari representatives also appeared before the I.C.C. to challenge the Razachstani petition, requesting that the Fatari 27 be tried before the I.C.C. and not in Razachstan. R.12. The representatives claimed that the Fatari 27 would not receive a fair trial in Razachstan, because even prior to the Quraci occupation, Razachstan did not afford its defendants with rights in accordance with international standards. R.12. Alternatively, if the Fatari 27 were tried in Fatar, the international pressure on Fatar to impose an exemplary sentence would prevent them from receiving a fair trial there. R.12.

Both Fatar and Razachstan are currently State Parties to the Rome Statute. R.6, Cl. 2. With respect to Fatar, the Rome Statute entered into force on January 1, 2004. Cl. 2. The Rome Statute entered into force in Razachstan a year later on January 1, 2005. R.6.

ARGUMENT

THE ACCUSED SHOULD REMAIN IN THE INTERNATIONAL CRIMINAL COURT FOR PROSECUTION AS THIS CASE IS ADMISSIBLE

This case is before this Court because Razachstan, a state which has a claim of jurisdiction over this case under Article 12(2), has challenged both the jurisdiction and admissibility of the present case. The Rome Statute demands that this Court satisfy itself that it has jurisdiction to hear a case before it. R.S. art. 19. This Court will only activate its dormant jurisdiction where it is satisfied that the prerequisites for jurisdiction and admissibility have been met. The alleged conduct of the 27 Fatari military officers (hereinafter "Fatari 27") as described in the indictment is wholly within the jurisdiction of the Court. R. 9. While all the prerequisites for jurisdiction have been met, the question of the Court's interpretation of the complementarity principle as laid out in Article 17 of this Court's statute is an issue of first impression. This issue should be addressed and decided in favor of this case remaining under the jurisdictional control of the International Criminal Court for reasons of international peace and to reflect the object and purpose of the Rome Statute.

I. This case is admissible because all the prerequisites to this Court's exercise of jurisdiction have been met

This Court may properly exercise jurisdiction over this case as all preconditions enumerated in Article 12 of this Court's statute have been met, thus triggering this Court's active jurisdiction. R.S. art. 12. The triggering mechanism in the Rome Statute can be activated by a referral from any of the following: the United Nation's Security Council, the Office of the Prosecutor, or through voluntary referral from a State Party that is able to exercise its own jurisdiction over the case. R.S. art. 13.

The particular preconditions necessary to trigger jurisdiction are as follows: (1) if a State becomes a State Party to the Rome Statute, it agrees to accept the jurisdiction of this Court (R.S. art. 12); (2) this Court may exercise jurisdiction if the conduct in question occurred within a State Party's territory; and (3) satisfies the jurisdictional requirements of being Article 5 crimes. R.S. art. 12(1). Once these preconditions are met, this Court's dormant jurisdiction is triggered.

In the instant case, Razachstan voluntarily referred this situation to the Court, triggering the Court's jurisdiction under Article 13(a). Razachstan, having signed and ratified the Rome

Statute on January 1, 2005, empowered this Court to prosecute and punish persons who committed Article 5 crimes in Razachstan. R. 6; R.S. art. 12(1).

A. The I.C.C. has subject matter jurisdiction over the Fatari 27

Both Fatar and Razachstan consented to this Court's jurisdiction over Article 5 crimes when they became State Parties to the Rome Statute. R.S. art. 12(1). Under Article 5, this Court may exercise jurisdiction over "the most serious crimes of concern to the international community as a whole," including crimes against humanity and war crimes. R.S. art. 5. Charging the Fatari 27 under Articles 7 and 8, the Prosecutor based the Court's jurisdiction on the commission of "crimes arising in an international conflict in the territory of a signatory state." R. 9. These alleged acts were committed against civilian members of the Marijani population in the Buchari province of Razachstan. R. 7.

1. The Quarci occupation of Razachstan constitutes an international conflict

The Rome Statute does not provide a definition of an international conflict, but it clearly defines war crimes as involving graves breaches of the Geneva Conventions of 12 August 1949 and other serious violations of the laws and customs applicable in international armed conflicts. R.S. art. 8(2). Article 2 of each of the four 1949 Geneva Conventions defines an international armed conflict as arising "between two or more of the [States], even if the state of war is not recognized by one of them," and includes the "partial or total occupation of the territory of a [State], even if the said occupation meets with no armed resistance." Furthermore, the ICTY found that an armed conflict "is international if it takes place between two or more States" or "may become international ... if ... another State intervenes in that conflict through its troops." Tadić, ¶ 84.

In the instant case, Qurac occupied Razachstan for nine years, surrendering its occupation after a three year war. R.1. The Security Council, responding to the brutal acts committed during the Quarci occupation, sent U.N. Peacekeepers into Razachstan. R.2. Over twenty countries, including Fatar, contributed troops in support of this U.N initiative which ended the Quarci occupation. R. 2. If the U.N. had not issued its peacekeepers to Razachstan, the Fatari 27 would not have been invited into Razachstan, and the soldiers' alleged acts could not have taken place in the Buchari province. These acts occurred within the context of an international armed

conflict, bringing it within the Court's jurisdiction over war crimes under Article 8 of the Rome Statute.

2. *The Fatari 27's attack was perpetrated against the Marijanis*

In addition to charging the Fatari 27 under Article 8 of this Court's Statute, the Prosecutor also charged them with murder under Article 7, constituting a crime against humanity. R.S. art. 7. Under Article 7, a crime against humanity is an act "committed as part of a widespread or systematic attack directed against any civilian population, pursuant to or in furtherance of [an] organizational policy to commit such attack." R.S. art. 7(2)(a). Discussing crimes against humanity, the ICTY found that

[t]he act may be intimately related to the attack on a civilian population, that is, it may fit precisely into a context of persecution of a particular group, and yet be unrelated to the armed conflict. It would be wrong to conclude in these circumstances that, since the act is unrelated to the armed conflict, it is being committed for purely personal reasons. Tadić, ¶ 252.

Relying on customary international law, the ICTY insisted that the crimes in question had to have been done with knowledge of the individual actors and that the crimes fit into the wider pattern of crimes directed against a civilian population. Tadić, ¶ 255.

While in the Buchari province, the Fatari 27 occupied the Marijani village and committed a series of attacks directed only toward the Marijanis. R.7. After breaking away from the U.N. coalition, the Fatari 27 constituted their own organization, with policies distinct from any State. As the Fatari 27 had been in Razachstan for a year before splintering apart from the U.N. coalition in November 2003, the Fatari 27 likely knew of the Marjjanis diminished social status and chose the Buchari province for their occupation based on that knowledge. While the individual acts committed by the Fatari 27 may have had some personal motivation, it is likely that the greater organizational policy of the Fatari 27 was to subject the Marijanis to their control.

B. The I.C.C. has temporal jurisdiction over the Fatari 27 and prosecution does not violate the requirements of Article 11

The jurisdiction *ratione temporis* (or temporal jurisdiction) requirement of Article 11 of this Court's statute has been satisfied. Generally, the temporal jurisdiction of this Court is limited to crimes which were committed after the Rome Statute entered into force in a State

Party's territory or where a State has accepted the jurisdiction by lodging a formal declaration with the Court's Registrar. R.S. arts. 11, 12. In the creation of this Court, the drafters of the Statute felt that the issue of "continuing crimes" was an issue left for this Court to resolve. Stahn, 429. The question of continuing crimes was again revisited in the drafting of the Elements of Crimes, but the problem was not addressed directly. Stahn, 439. Enforced Disappearance of Persons is the only crime against humanity in which the Rome Statute explicitly stated that the *mens rea* and *actus rea* must occur after entry into force of the Statute. Stahn, 429.

Guidance on this issue can be gathered from the ICTR and various other human rights bodies. On numerous occasions, the ICTR had to decide questions concerning the legal relevance of events which preceded the court's temporal jurisdiction. Stahn, 430. Specifically, in the *Ngeze* case, the trial chamber held that it could consider "facts related to the conduct of the accused before [the entry into force of the Statute] insofar as they were related to other facts that fell within the Tribunal's temporal jurisdiction." Ngeze. Moreover, in the *Nsengiyuma* case, the trial court fully accepted the application of the doctrine of "continuing crime" as it related to the development of a conspiracy. Nsengiyumva. Finally, the ICTR in the *Nahimana* case recognized the possibility that [victims] allegations may be "subsidiary or interrelated allegations to the principal allegation in issue and thus may have probative or evidentiary value." Nahimana.

The decision of the ICTR to apply the "continuing crimes" doctrine is "consistent with the jurisprudence" of human rights bodies. Stahn, 430. The U.N. Human Rights Committee acknowledged the existence of the "continuing crimes" doctrine in the *Lovelace* case as did the European Court of Human Rights in the *Veeber* and *Loizidou* cases. Lovelace, Veeber, Loizidou.

In the instant case, the villagers indicated at the time the U.N. coalition discovered the Fatari 27 in February of 2005, that their occupation had lasted for over a year. R. 7. While the Rome Statute did not enter into force until January 1, 2005 for Razachstan, it is entirely plausible that all the violations occurred between January and February of 2005. R. 7. This is especially so in a country where the Marijanis had been subjected to a substantial number of violent crimes during the Quarci occupation (R. 1) and discovery is still ongoing. Even if some of the crimes were committed before the Statute entered into force for Razachstan, the crimes could have been committed after the Statute entered into force for Fatar, between January 2004 and February 2005.

Failing this, the Court could recognize the continuing crimes doctrine, hearing evidence related to acts which occurred before the Statute's entry into force which have had a continuing effect on acts which occurred after the Statute's entry into force in Razachstan. Here, the individual acts were committed in the context of the Fatari 27's occupation of the Marijani village. Even if it cannot be proven as to who participated in the individual crimes, it could be proven that each of the soldiers contributed to the state of occupation, in a collective violation of the Marijani's rights. Each of the soldiers would be aware that the occupation was occurring and participated in the continuance of the occupation, enabling the commission of crimes against individual Marijanis. In this way, acts that may have occurred before the Statute's entry into force contributed to the criminal acts that may have occurred after the Statute's entry into force. Therefore, the Court has temporal jurisdiction over the instant case.

This Court's jurisdiction over this case has been effectively trigger, as the necessary prerequisites have been satisfied, including both subject matter jurisdiction and temporal jurisdiction.

II. The admissibility of the present matter does not violate the principle of complementarity

The Rome Statute's Preamble states "that the International Criminal Court established under this Statute shall be complementary to national criminal jurisdictions." R.S. premb. Under the principles of complementarity, this Court must find a case inadmissible where the case "is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable to genuinely carry out the investigation or prosecution." R.S. art. 17(1)(a).

A. No national court is genuinely willing to prosecute the Fatari 27

A State Party to this Court's Statute has a duty to effectively prosecute criminals at the national level for violations of international crimes. R.S. premb., arts. 4, 6. Although the Rome Statute was created to serve in a complementary role to State Parties' national criminal jurisdictions, it was not intended to disregard the respect necessary for lasting international justice. R.S. premb. 11.

The Rome Statute outlines three criteria for determining a national court's unwillingness to prosecute: 1) national proceedings are taking place to shield the accused from criminal

responsibility; 2) there has been an unjustified delay in prosecution; and 3) the proceedings were not conducted impartially, independently, or in a manner that does not align itself with an intent to bring the accused to justice. R.S. art. 17(2). These reasons are echoed in a 2003 policy paper issued by the Office of the Prosecutor. Policy Paper, 3.

1. Fatar is unwilling to prosecute the Fatar soldiers

Under Article 19 of this Court's Statute, a challenge to admissibility can be made by a State that has jurisdiction over the case. R.S. art. 19(2)(b). While Razachstan has requested the Fatar 27 to be returned to Razachstan for trial, Fatar wants its nationals be tried in this Court. R. 12. Fatar recognizes the potential for an unfair trial for the Fatar 27 in Fatar due to the international pressure for Fatar to make "an example of these soldiers." R. 12. To disregard Fatar's request that the trial not be held in Razachstan would frustrate the intent and purpose of the Rome Statute. R.S. arts. 12(b), 19(b).

More importantly, the Fatar 27 were acting as U.N. Peacekeepers at the time they splintered off into the Buchari province. R. 2. The Fatar 27, being military members of a national contingent remain under the *exclusive* jurisdiction of their own national authorities and are subject to prosecution in their national courts for violations of international humanitarian law. Sec. Gen. Bulletin (1999). Therefore, Razachstan has no jurisdictional claim to the Fatar 27.

2. Razachstan is unwilling to prosecute the Fatar 27

If the Court finds that Razachstan is able to exercise its jurisdiction over the Fatar 27, the circumstances indicate that despite its statement of willingness, Razachstan is not genuinely willing to prosecute the Fatar 27 in its national courts. A State's willingness to prosecute must be based on something greater than the mere commencement of an investigation, a State's willingness to adjudicate must include pursuit of suspects and preservation of evidence, including witness statements. Marty, 5. A State must insure that its national criminal prosecution will comply with the principles of due process recognized by international law. R.S. art. 17.2.

a. This Court has not decided the weight a voluntary referral has on the “unwillingness” or “inability” requirements under Article 17.

The first voluntary referral made to this Court was made by Uganda in December of 2003 as result of years of internal conflict with many similar acts of violence as in the instant case. Arsanjani, 390. While it is unsure whether a voluntary referral constitutes admissibility under Article 17, if this Court allows a State Party to withdraw its voluntary referral after the Pre-Trial Chamber stage; it sets a precedent that allows governments to use this Court for their own political ends – referring cases and then withdrawing their referrals “should they come to believe that it could serve their purposes.” Arsanjani, 395.

b. Razachstan’s challenge is untimely and suspicious

A challenge to jurisdiction under Article 19 must be made at the earliest opportunity. Here, Razachstan waited until after the Office of the Prosecutor conducted its investigation before challenging jurisdiction, leaving Victims highly suspect of Razachstan’s motives. R. 9, 10. Moreover, as a matter of policy, Razachstan has not made any argument or protest to the legitimacy of this Court or its ability to prosecute this case, and therefore the Victims see no reason to move a case so far along in the trial process. At this point,

the Office of the Prosecutor [has] invested substantial resources, both human and financial, over months [...] in preparing the case for trial. A withdrawal in these circumstances would incur a considerable loss of credibility for the Court and would also represent a defeat for the policy against impunity, the principle that animates the very idea of the Court. Arsanjani, 397.

B. Razachstan is genuinely unable to prosecute the Fatari 27

Even if Razachstan is willing to prosecute the Fatari 27, it is not genuinely able to prosecute them. The facts indicate that Razachstan did not have the ability to prosecute this group in April 2005, just prior to the soldier’s surrender to this Court. R.8. Doubts have been raised indicating that the Razachstani courts in existence prior to the Quarci occupation did not comport with generally accepted principles of international law, and that these principles remain embedded within the current Razachstani courts. R.12. If this is true, then the courts of Razachstan will not be able to prosecute the Fatari 27 because of lack of a proper court.

The instant case begs the comparison to the establishment of the Iraqi Special Tribunal (“IST”), the hybrid court set up to try high ranking officials from the former Iraqi regime. Scharf. Following the invasion of Iraq in early 2003, the Coalition Provisional Authority was established

to govern as a provisional government in May of 2003. CPA. The Statute of the IST was signed on December 10, 2003, seven months after the provisional government was established. Thus far, the IST's legitimacy has been questioned: "the manner in which the Court was established, its funding, operation, jurisdiction, substantive law and procedural rules all raised some very serious issues regarding its legitimacy." Sadat. The Victims fear that in Razachstan, where the provisional government was established only one or two months prior to its request for returned jurisdiction, the situation creates a similar concern of legitimacy in policy and procedures. R. 8,9. It is worth noting that the IST did not issue an indictment until May 15, 2006, because it was three years after the establishment of the Coalition Provisional Authority. Indictment. The Victims have reasonable doubts as to the efficacy of the Razachstani court system and whether it is genuinely able to prosecute the Fatari 27.

C. The Court's exercise of its jurisdiction over the present case would best serve the interests of justice

This Court is unique in the rights it grants to victims to participate in proceedings, having provisions in both the Rome Statute and the Rules of Procedure to articulate such participation. In fact, in the Preamble to the Rome Statute, victims are recognized: "Mindful that during this century millions of children, women and men have been victims of unimaginable atrocities that deeply shock the conscience of humanity." R.S. Premb. The main focus of this Court is no longer punishing individual perpetrators of atrocious crimes, but to administer "restorative justice" allowing victims the ability to take part in the proceedings, having rights to privacy, representation and personal security. Lee.

In Razachstan, the Marijani caste is still considered the "lowest of the low." R. 3. During the occupation by Qurac, the Marijanis were brutalized, but prior to the occupation they were the victims of 500,000 violent crimes. R. 1. While the record is silent on the procedural and/or civil rights the Marijanis enjoy in Razachstan, members of the Razachstani government did not consider the Fatari 27's crimes to be so heinous as to warrant execution because the victims had "only been" Marijanis – second class citizens in Razachstan. R. 8

In perhaps the most notable country with an embedded social caste system, India provides a powerful example of the treatment of the lowest members of its caste system. As noted

[a]lthough constitutional provisions and legal texts exist to abolish untouchability and to protect the members of the scheduled castes and tribes, and social and educational policies have been adopted to improve the situation of members of the scheduled castes and tribes and to protect them from abuses, widespread discrimination against those people, and the relative impunity of those who abuse them, points to the limited effect of these measures. HRW.

The U.N. has taken a strong position on caste systems as well, believing that “discrimination based on work and descent is a form of discrimination prohibited by international human rights law.” Working Paper, 3.

Therefore, because of the embedded caste system present in Razachstan, the Marijanis are likely to have few actual rights in the prosecution of the Fatari 27 if such prosecution occurs in Razachstan.

CONCLUSION

Therefore, for the above reasons, the Victim's Advocate respectfully requests that this Court find that the case concerning the Fatari 27 may be properly tried before it, as this Court may exercise its jurisdiction over the situation and the case is admissible before it.

CERTIFICATION OF TEAM MEMBERS

We hereby certify that the memorial for Syracuse University College of Law is the product solely of the undersigned and that the undersigned have not received any faculty or other assistance, other than that allowed for in the Rules, in connection with the preparation of this memorial.

/s Kelly M. Berger

Kelly M. Berger

/s Veronica Margrave Krause

Veronica Margrave Krause

/s Jennifer J. Phillips

Jennifer J. Phillips

Date: 09/12/2006