



**FOURTH SYMBIOSIS LAW SCHOOL,
PUNE - INTERNATIONAL CRIMINAL
TRIAL ADVOCACY COMPETITION
[SICTA]**

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COMPROMIS¹

¹ Drafted by Mr. Parth Dixit, 5th Year student of SLS, Pune under the supervision of Advocates and Faculties-in-charge, Student Bar Association, SLS Pune. Any participant, team or individual related to the participant or the team, who tries to contact the Problem Framer shall be disqualified from the competition.

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UNDISPUTED FACTS

1. Xuan is an archipelagic country in Southeast Asia. Situated in the western Pacific Ocean, it consists of about 2000 islands. The capital city of Xuan is Lalaland and the most populous city is Vortex City. Bounded by the South China Sea on the west, the Vindaloo Sea on the east and the Celeb Sea on the southwest, Xuan shares maritime borders with Wakanda to the north, Messier to the west, Sombrero to the east and Pinwheel to the south. The country's location in the ocean and closeness to the equator make it prone to earthquakes and typhoons, but at the same time, also endow it with abundant natural resources and various valuable natural reserves. The country's flora also boasts of an exquisite range of wild fibres which have attracted merchants for centuries. Xuan has an area of 300,000 km² according to the local statistical authority and the World Bank, and as of 2017, had a population of at least 10 million. As of August 2018, it was one of the least populated countries in the world. Xuan is also considered to be an emerging market and a recently industrialized country, which has an economy transitioning from being based on agriculture to one based on services and manufacturing. This transition has been effected due to a surge in Xuan's ability to develop indigenous ships and cargo vessels. As per government estimates, a major portion of the country's GDP rests on its ability to harness its ports and fisheries.
2. Labour Republic is a founding member of the United Nations, World Trade Organization, the European-Executive Economic Cooperation Forum and the World Bank. It is a sovereign state, functioning as a unitary semi-presidential republic with its capital in Bravada, the country's largest city and its main cultural and commercial centre. It has long been a global centre for art, science, and philosophy. It hosts the world's sixth-largest number of UNESCO World Heritage Sites and is a leading tourist destination, receiving around 79 million foreign visitors annually. Labour is a developed country with the world's third-largest economy by nominal GDP, and seventh-largest by purchasing power parity. Generally, the Republic is considered a great power in global affairs, being one of the five permanent members of the United Nations Security Council with the power to veto, along with being an official nuclear-weapon state. It is also a leading member state of the European Union and a member of some of the world's most controversial military alliances.

3. Both the afore-discussed countries have signed and ratified the Rome Statute, the International Covenant on Civil and Political Rights, the Genocide Convention, and the Geneva Convention(s). The two countries also share an extradition treaty between them.
4. Historically, Xuan has always been a highly diverse country with a heterogeneous population comprising of multiple ethnicities. Such a demographic structure is a result of years of conflicts and invasions that plagued the original inhabitants residing in Xuan. This original inhabitant community goes by the name of Philo. Studies indicate that, traditionally, Philos constituted of two different types of people. The first group of people to arrive and settle on the banks of Xuan were the '*Epistemologs*'. This group was followed by another settlement of individuals from a coastal town of Labour Republic called the '*Anthrops*'. Their partial cultural mixing over thousands of years has led some to classify both as simply Philos. As per some reports, they have a recorded history of 1000 years. Philos have long been considered a group of indigenous people who are home to the group of islands collectively called Xuan.
5. Philos, collectively, speak around 50 different dialects of a common language called 'Mezut'. Some of these dialects have only a few dozen speakers while others have several hundred thousand. The native Philo culture did not develop its own writing system. Against the disdain shown by modern global powers towards unrestricted use of cannabis, the Philos have incorporated cultivation and administration of the plant and its products in their traditions. Their distinctness has made them an important subject of study for anthropologists and historians from around the world. Their unique craftsmanship incorporated in a plethora of ancient and modern artefacts has warranted the attention of public museums as well as private collectors alike. The Constitution of Xuan, taking cognizance of their contribution to the development of Xuan, grants special rights to the Philo community. Because of the community's common lineage with the Labour Republic, Philos of Xuan also enjoy a strong bond with the country in terms of immigration rights and other benefits. Labour Republic has historically supported all causes involving the beneficial interest of the Philo community. Assistance from such a global power allowed Philos to dominate the political landscape of Xuan consistently for a period of over 25 years from 1975 till 2008.
6. Another prominent community of Xuan is the Sophist community. The Sophists constitute the 3rd largest community in Xuan. Their ascendants were a class of nomadic traders, whose origin lies in Europe, and who travelled across the ocean in search of better and

cheaper raw materials. The search for cheaper raw materials introduced them to the abundant resources of Xuan. Since the turn of the 18th century, Sophists have established large settlements along the coast of Xuan and have de-facto control over all major trade routes that connect Xuan with the rest of the world. The initial settlements of Sophists were welcomed as traders of exquisite products by the rulers of Xuan. With time, the traders settled and intermingled with the communities existing in the interiors of the archipelago and the modern-day Xuan recognizes them as a local community through domestic legislation.

7. The political contours of Xuan have been formed through years of conflicts and disturbances. Modern day polity of Xuan rests in the shadow of a civil war that tore apart the country's institutions in 1995. The triggering factor of the civil war was a proposal by the EU to integrate the country's trade route with an international highway to be developed under a multi-lateral treaty regime. The proposal was encouraged by the ruling party in Xuan – the United Front [*hereinafter*: “**UF**”] - one of the biggest conglomerations of Philos. Under the leadership of Stephen Fry, its leader and the then Premier of the country, the UF portrayed an atmosphere of keen interest in engaging with interested investors from abroad. However, the coastal communities of Xuan, organized under the banner of the Pro-Xuan Traders Association [*hereinafter*: “**PTA or Association**”], constituted by Sophists, declared the proposal to be an affront on their heritage and rights over the oceanic resources of Xuan. They complained that the UF was being negligent of the interests of the domestic traders of Xuan by allowing unrestricted access to Western companies into its marine resources. The civil war resulted in a deadlock with PTA consolidating powers and deciding to enter into active politics to prevent a recurrence of such trade negotiations. PTA has since been advocating regressive measures through consistent political representation and has tried to contest the general elections to the State's legislature- albeit unsuccessfully. Most coastal areas of Xuan constitute a stronghold of PTA. The Association was able to amass a lot of local support from the coastal communities by implementing a system of shared benefits under which the proceeds of every trade made at the end of the day were shared equally amongst all the registered members of the Association. The modus operandi adopted by PTA involved a disciplined search for every tradable organic commodity, such as crystals, sea rocks and marine life found in the abundant resources of the Xuanian waters. These commodities were then sold to other countries using the dependable network established by the early settlers. The Xuanian

commodities, considered exquisite and notable abroad, were in huge demand among the affluent classes of other countries. In a matter of five years, sustained commerce on these lines drew the attention of western businessmen who, with the intention of directly exploiting the source of these commodities, sent sea explorations to Xuan. The PTA, feeling threatened, attacked these explorations the moment they entered Xuanian waters. As per estimates prepared using Government resources, between the period of 1998 – 2008, a total of 32 ships were ransacked by operatives working for the PTA. The foreign delegation was attacked by smaller vessels filled with trained mariners, who, armed with country-made explosives, would loot and destroy the ships, sell their metal in the black market and take as many hostages as possible. The hostages would be used to demand ransom from their families on the mainland. Some reports indicate a total loss amounting to 3.3 billion USD faced by the global economy due to the activities of Xuanian pirates.

8. The international media was quick to brand the nuisance as “*an international threat faced by the global community at the hands of Xuanian pirates [....]*” Reports also highlighted the inability of both the Xuanian government and the international community in tackling the issue effectively. The Xuanian government was constrained from using the State machinery against the leaders of PTA for the reported attacks on foreign delegation due to lack of evidence as well as political influence exercised by the Association around the coasts. At the same time, foreign countries could not use force in the strictest sense since the alleged crimes would take place within the territorial waters of Xuan. Any inclination to officially permit foreign intervention in the region appeared ill-advised to the political future of UF which feared being termed “too weak” or “incompetent” by the international press and “anti-national” by the domestic press. In early 2006, political efforts to draw the attention of the International Criminal Court towards the situation in Xuan also failed to yield any results when the ICC Prosecutor stated in a press conference in Hague that absence of piracy as a recognized crime in the Rome Statute was a major hindrance in prosecuting situations such as the one in Xuan.
9. Such a course of action became immensely popular with the local community. For the massively unemployed, under-educated and resentful youth of Xuan, piracy was a quick way to achieve the social status and standard of living that the circumstances of their birth denied them. These circumstances included extreme poverty and malnourishment faced by generations of Xuanians. Out of all the communities inhabiting Xuan, Philos were impacted in the worst manner by the socio-economic backwardness of the archipelago.

The race was considered least developed on all major indexes of human advancement including health, education, well-being, mortality et cetera. A major cause of this effect was the ethnic structure of the Philo community which contained nuanced practices such as persistent conservation, non-violence, home-schooling, a generations-old decentralized barter system, and voluntary child marriages among others. Additionally, numerous research projects in micro-cellular biology indicated a prevalence of cystis fibrosis – a deadly disease among members of the Philo community. These practices were often a target of both ridicule as well as animosity from the radical leadership of Sophists, who considered Philos to be a hindrance to the development of Xuan.

10. Jordan Schlanky, a Sophist, was born in 1974 to Bill and Melinda Schlanky. Both his parents were renowned scientists in the fields of molecular physics and biotechnology respectively. Jordan Schlanky received his education from some of the world's best universities. He completed his graduation in biotechnology and went on to pursue a masters and a doctorate degree in gene mutation. By 2004, he had been proclaimed as one of the world's foremost authorities on the study of heredity and culture. He commanded respect across the entire scientific community and assisted the World Health Organization in launching multiple successful projects aimed at eradication of ailments and disease carrying micro-organisms. He regularly delivered public lectures, conducted multiple workshops, presented research papers and participated in public debates focussing on a variety of social issues, which he felt could be addressed through efficient policy making and proactive governance. He also presided over, and was a part of several public charities and trusts established to assist children battling lethal diseases in various lesser developed countries. He was widely regarded as an acute scientist with a knack for appreciating the economics involved in health- related reforms. By 2010, he had won several accolades, rewards and honorary degrees for his contribution to the promotion and encouragement of genetic research. His interdisciplinary research in anthropology, biology and other related disciplines helped him in securing a nomination to the Special Committee on the study of Demographics in Xuan [*hereinafter*: "SCD"] established to assist the Xuanian legislators in policy framing.
11. Jordan Schlanky was deeply inspired by the works of economists like Thomas Robert Malthus and felt that over-population was one of the biggest threats to the existence of human species. His subsequent study of the works of sociologists and geneticists like Francis Galton, Frederick Osborn, William Goodell and the likes further strengthened his

belief that only governance based on scientific temperament was capable of addressing the most imminent of issues plaguing humanity. The resurgence of Mendel's laws of heredity in the early 20th century had provided a great impetus to the study of genetics in general and had particularly beneficial impact on the financial endowment of Jordan's parents – both of whom were proponents of the science of selective breeding of livestock aimed at redressing the problem of food shortage during the 1st World War. Jordan intended to take their legacy forward by establishing a dedicated institution focussed on research and experiments inclined towards betterment of the entire Xuanian population. To such extent, he was given different sobriquets by the Xuanian media – where some called him the “rock-star scientist”, others referred to him as the “doctor to the nation”. However, there was also a section of scholars who criticised him for his public disdain towards the Philo community- whom he considered to be “irrelevant” in the uprising of the modern nation state(s). His animosity towards the entire community was a result of their social, economic and political backwardness and conservative idealism. He was very vocal in his criticism of the governments which supported, or even tolerated, the Philos and termed such support as a representation of a lackadaisical approach in conforming to the principles of globalization and competition.

12. May, 2008 witnessed a fiercely fought general election for the Xuanian legislature. As the two prime contenders to the election, with both the UF as well as the PTA fought tooth and nail against each other. PTA, replenished by funds obtained from undisclosed sources, at the heels of the 2008 global financial crisis, launched an intensive campaign against UF for tangling the Xuanian economy with that of the western countries, thus jeopardizing its growth and limited exports by way of consistently ill-advised and unsound financial policies. It exerted its superior business prudence and pragmatic approach as a panacea to the regressive lifestyle conditions impacting the future of Xuanian public.
13. A strong wave of anti-incumbency and the monetary meliority of PTA ensured that the results of the elections ensconced the party as the predominant leader of the Xuanian parliament and gave it an overwhelming number of votes to form the government in the country.
14. PTA's ascent to power also saw the rise of Carles Puyol as an indomitable force in the Xuanian politics. Puyol was a radical Sophist who believed in the superiority of PTA's claim over Xuan. He was a seasoned politician, having assisted PTA in developing grassroots support right from its inception. Prior to that, he was a staunch opponent to the

policies of the UF. During the civil war of 1995, he was at the forefront of protests and demonstrations taken out against the idea of an open-economy proposed by the UF. He designed and implemented the political campaigns that led to the ultimate victory of his party in 2008. In recognition and appreciation of his loyalty and political grit, the party leadership made him the Premier of the country – representing the highest post in the government under the Xuanian Constitution.

15. Once in power and in control over the country's resources, Carles Puyol initiated schemes framed with the intention to consolidate all political power into the grip of PTA and expressed intentions to demolish all forms of political opposition in the country. He used the state machinery to spread hatred against opposition parties. He suppressed all forms of dissent against his government's policies. He launched criminal prosecutions against UF supporters and Philo sympathizers and filed strategic lawsuits against public participation in various capacities. His incisive understanding of the national temperament helped him shape public opinion in the government's favour.
16. The year 2010 witnessed a flagship policy being advertised by Xuan. Backed with new data sets and research, under the Chairmanship of Jordan Schlanky, the SCD recommended to the government a 3 step plan, the implementation of which would rid the Xuanian society of most unwanted vices and would go a long way in fostering a community of able, sound and loyal citizenry. This plan was termed as the Trident Action Plan [*hereinafter*: "TAP"].
17. In December, 2010, the 1st phase of the Trident Action Plan involved enactment of a slew of legislations aimed at limiting some civil liberties of Xuanian citizens. These legislations, inter alia, annulled all existing marriages between people belonging to different races and further proclaimed subsequent mixed marriages as a criminal offence. A massive media campaign accompanied this phase. Government representatives exalted the move by highlighting the ill-effects of inter-race marriages which in their representations included undesirable disturbances to the social fabric of the country and created an expensive imbalance in the dynamics of a class. Other justifications such as the economic cost of communal violence perpetrated by those who oppose such marriages were also offered in support of the 1st phase.
18. The 2nd phase of TAP was launched in May 2011. Under this phase, various research studies were conducted to measure the levels of criminal activities in the State. Under the

umbrella of the SCD, first hand data was compiled from all corners of Xuan to reflect upon the inefficiencies in social, cultural and economic life in the country. A census of such a massive scale was never before undertaken in the State. It, thus, saw active public participation and was received warmly even by the most objective critics of the government. The census machinery collected, tabulated and processed criminal records of all types and origins, along with undertaking general studies on the demographics of the country. Additionally, the census also focused upon the medical history of all individuals whose files could be accessed and assessed under the system, whether directly or indirectly. The studies recorded data ranging from 1995 to 2011.

19. The results of the 2nd phase, which began in June, 2011 and officially ended on 4 April, 2011, shocked the national conscience in Xuan. The following are some of the key revelations, in brief, which were publicised by a report titled, “State of criminality and inefficiencies in Xuan”. The said report was authorized by the government.

- That crime, in general, was on the rise across the country.
- That, contrary to public perception, the maximum damage to the collective societal wealth-comprising of public infrastructure, young able-bodied individuals, seasoned service sector, a culture of monetary and non-monetary investment et cetera- was caused by seemingly innocuous crimes such as arson, drug abuse, robbery, prostitution, criminal negligence and the likes which may not receive the sensationalized media attention rather than the seemingly massive acts of terrorism or treason or illegal traffic in humans. The results also highlighted the critical nexus between organized crime at the local level and the most sophisticated and coordinated acts conducted by anti-social elements against the entire State. This nexus manifested in form of the passage through which the proceeds of localized crimes were re-channeled to finance large scale crimes.
- The human cost of such criminality was recorded to be around 10,000 deaths every year due to violent crimes. The data also revealed that a considerable portion of the country’s budget was spent every year to mitigate the losses caused due to violence and recklessness, either in the form of money spent on maintenance of prisons across the country or money spent on assessing and rebuilding damaged public infrastructure.
- The data also revealed how most criminal outfits operating at the local level were organized around young wayward children who were naive, gullible and in need

of financial support. Such children are the most common human resource for such criminal outfits. Interviews conducted with social workers, non-governmental organisations and shelter homes also complimented the data and also threw light on the circumstances in which such children were raised. Most of such children were found to have been raised either as orphans or by parents who were themselves uneducated or poverty ridden or unwilling to bear children. Thus, the State was able to draw a pattern from collating the files of such delinquent criminals. The files revealed a pattern of criminality in individuals coming from similar circumstances.

20. The last aspect of the Report highlighted the progression and impact of human inefficiencies in the workforce of Xuan and related reasons, both general and specific, which impacted the country's growth estimates. The data highlighted that people from weaker socio-economic background, relatively, were poor performers both in primary and secondary schools/colleges as well as in their professional life. They were also more likely to face professional inquiries for misconduct in comparison to other employees. On a similar vein, the data showed that individuals belonging to a lower income household showed a higher tendency to develop alcoholism, whether medical or otherwise. The community which contributed to the maximum inefficiencies and anti-social behavior, by virtue of its socio-economic standing, incidentally happened to be the Philo community.
21. The report concluded that, burdened with these realities, the State was unable to dispense its functions in the optimum manner; that dealing with such realities should be made a priority; that in the absence of immediate reforms, undertaken both at the legislative as well as the executive level, the State shall plunge into an irrecoverable and abysmal state of indebtedness and shall continue to face an acute crisis in governance.
22. The Report created a furore in the country. Both civic lives, as well as the house of legislature in Xuan, was captured in the grip of the results obtained from the second phase. While the government was thrown in the limelight over its response to the contents of the report, Carles Puyol seized the situation as an opportunity to realize his political ambitions. He had always felt threatened by the controversial claim of UF as the representatives of the "original soil" of Xuan. The "original soil" theory was a political catchphrase and campaign strategy which presented an integrated image of Xuan's national identity intertwined with the image of the Philo race. In order to establish his permanent dominance in the country, he enlisted the assistance of Jordan Schlanky to devise schemes which would help him neutralize all Philo opponents.

23. In September 2012, began the 3rd phase of the TAP. By means of a single legislation, the executive of Xuan usurped powers to enforce sterilization across the country. This single legislation, called the Xuan Population Control Implementation Act, included provisions relating to both voluntary as well as involuntary sterilization. Other aspects of this legislation included provisions regarding active euthanasia. This legislation drew the attention of the world community. While critics admonished the *bona fides* of the Xuanian Premier for passing such a law, some countries openly supported the legislation as one in tune with the needs of time. The critics maintained that the law was devoid of any sanctity for being in complete disregard of the most fundamental of civil and natural rights; they alleged motives to the Premier and his close aides and argued that the structure of the law was a decoy for committing what popularly came to be known as the “silent genocide” of the obvious victims of the law – the Philo community.
24. The implementation of this legislation received a much-needed impetus when on 11 January, 2013, the highest court of Xuan upheld the constitutionality of the statute, reasoning that the same served greater public interest and, relying upon the political philosophy of utilitarianism, would serve the collective interest of all the citizens of Xuan. With a favourable judicial clearance received, Carles Puyol and his executive immediately launched the sterilization programme across the country. The sterilization campaigns, opened specifically for the purpose, were overlooked and operated by Jordan Schlanky with the aid of a team of specialized scientists and researchers. Hospitals, dispensaries and chemist outlets alike were used in aid and encouragement of the sterilization programme. Under powers delegated to him by the Premier’s office, Jordan continued to expand the scope of TAP’s phase 3. The increased policies included forms of genetic screenings, birth control, promoting differential birth rates, marriage restrictions, forced abortions and forced pregnancies. Social segregation was another measure implemented across the country. Those suffering from any form of genetic disease were sequestered in isolated and specially designed laboratories.
25. The impact of these policies was worst for the Philo community. The design and structure of TAP and its implementation, automatically, focused on its members. The relative standards used in the medical and genetic screenings done by Jordan’s agencies labelled their community as historically weak, lethargic, inefficient, disease-laden and therefore, a burden to the State exchequer. Issues such as their apparent insubordination, prevalent complexes and shared patterns of criminality were also exploited by his agency across

popular media channels terming it as a “minority problem”. Paid advertisements were run across the country which highlighted the threats posed by unattended mixed-race children and advocated for a national philosophy based on the ideals of cultural homogeneity through enforcement aimed at rigorous assimilation and absorption of the “undeserving”.

26. By June 2015, the Philo population had dwindled to a considerable extent. The sharply declining population figures were coupled with a deep impact on the mental health of the members of the community. Further, there was a deep sense of resentment in the general public against the Philo community. They were looked down upon, and, as per reports, the number of race motivated crimes against them were on the rise.
27. Looking at the alarming situation in its neighbourhood, the Labour Republic, in December 2015, sent an official communication to the office of the Prosecutor of the International Criminal Court [*hereinafter*: “**ICC Prosecutor or Prosecutor**”], requesting it to initiate investigation into the situation in Xuan and promising all assistance in the investigation. The ICC Prosecutor, on March 08, 2017, following due procedure given in the Rome Statute and allied Rules and Regulations, opened a preliminary investigation to appreciate the allegations put forth in the request made by the Labour Republic. The ICC Prosecutor, with the aid and assistance of Labour Republic, was able to expedite the preliminary investigation.
28. Based on the material gathered in pursuance of the preliminary investigation, the ICC Prosecutor moved before the Pre-Trial Chamber I of the International Criminal Court [*hereinafter*: “**ICC or Court**”] seeking its permission to launch a formal investigation into the situation in Xuan. The Pre-Trial Chamber, via Order dated February 15, 2018, granted permission to the Prosecutor to investigate the role of various persons involved in the events leading to the situation in Xuan.
29. Meanwhile, the political environment in Xuan had become extremely volatile. The Xuanian government refused to participate in, or encourage any investigation by the ICC into the affairs of the country. All the individuals associated with TAP, including Jordan Schlanky and Carles Puyol, were declared as, “unworthy victims of a political conspiracy by the ICC and the Labour Republic” by the State sponsored media outlets. Carles Puyol, in a press conference, threatened that if the ICC Prosecutor continues to pursue the investigation, his government shall pull out of the Rome Statute. In May 2018, Carles Puyol threatened to launch a tirade of military attacks on the Philo population unless his

immunity was secured by the United Nations. Taking cognizance of the sensitivity of the situation in Xuan, in particular the plight of the already circumscribed Philo community, the United Nations on July 21, 2018, offered an amnesty deal to Carles Puyol. In exchange, the UN made him relinquish his position in the country with immediate effect and sought his commitment on immediate cessation of all forms of interference and exercise of control in the governance of the Xuan. This development was a major jolt to the investigation of the Prosecutor. However, keeping in view the time already spent in the process, the Prosecutor, nonetheless decided to proceed with the investigation by concentrating on Jordan Schlanky's role as an accused complicit in the crime committed against the Philo population.

30. After completing its investigation, the Office of the ICC Prosecutor submitted its final report before the Pre-Trial Chamber, expressing its inability to establish any connection with the accused or to otherwise convince him to appear before the Court. Thereafter, on October 21, 2018, the Pre-Trial Chamber, in accordance with the procedure and conditions given in Article 61 of the Rome Statute, confirmed that the charges brought against Jordan Schlanky, and committed the case to the Trial-Chamber III of the Court for committing the crime of genocide covered under Article 6 of the Rome Statute.
31. Thereafter, around the end of October 2018, the ICC Prosecutor filed an application before the Trial Chamber to issue a warrant of arrest against Jordan Schlanky to compel him to appear before the Chamber to stand trial. The Trial Chamber, through an order dated November 5, 2018, using its authority under Articles 64, 61 and 58 issued an arrest warrant against the accused. Along with the same order, the Trial Chamber also extended a Request for Arrest and Surrender to the Labour Republic obligating it to assist the Court in gaining custody of the accused in strict obedience of Article 59 and Part IX of the Rome Statute.
32. The Labour Republic, working on intelligence gathered by surveillance, on November 15, 2018, was able to successfully gain the custody of the accused. This was done in pursuance of a luring operation, code named, "Operation Dexter." The law enforcement agencies of the Labour Republic tricked Jordan into entering its territory on the pretext of an amnesty deal along the lines of the one offered to Carles Puyol. On his arrival in the country, he was immediately apprehended and transported to Hague after compliance with the procedure given under Article 59.

33. Before the ICC, the accused, through his legal representatives, registered his protest with the manner in which he was arrested and produced before the Court. He argued that the luring operation conducted against him was against his human rights as well as in violation of the principles of the Rome Statute. He also sought to defend himself on the merits of the case. The Trial Chamber issued notices to the ICC Prosecutor as well as the government of Labour Republic, and sought their responses to the application made by the accused. The Legal Representatives of the Labour Republic sought to participate in the trial of the accused in order to justify Operation Dexter and also to represent the interest of the Philo community, considering the absence of an official Legal Representative of the Victims. This request was not opposed by the ICC Prosecutor. The Counsel for the Defence did not object to the request made by the Labour Republic either. Thereafter, the Trial Chamber, through an order dated December 21, 2018, allowed the Labour Republic to act as the Legal Representative of the Victims and granted it the authority to participate in the Trial of the accused in equal measure as the Prosecutor and the Defence. It also ordered all three parties to address their respective contentions together along with supporting evidence in the main Trial.
34. The Trial of the accused is said to take place on March 23, 2019, in accordance with the rules and procedure of the 4th Symbiosis International Criminal Trial Advocacy Competition, 2019.

NOTES:

- Any questions pertaining to the jurisdiction/authority of the ICC, including but not limited to jurisdiction over the charges approved / proposed, **shall not** be raised by the participants.
- For purposes of these mentioned issues, participants shall solely rely on the facts given in the Competition *Compromis* under strict application of the principle- “**as is, there is...whatever where is**”.
- 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.
- Notwithstanding anything mentioned in Point 4, the memorials submitted by the Participants shall cover all aspects of the law as applicable to the factual matrix in the backdrop of the charges confirmed against the accused.

- Paying due reverence to the spirit of SICTA, the participants are encouraged to understand and showcase the technical nuances of different events that have transpired in the factual matrix.
- Through oral submissions, the parties in their respective roles are expected to appreciate the Rules of Procedure and Evidence 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.
- The Official *Compromis*, including all the annexures, is a work of fiction and has been framed with the sole intention of facilitating advanced study of international criminal law and for the development of professional advocacy skills. The *Compromis* has no connection, intentional or otherwise, to any historical/political event and does not represent any ideology or affiliation to any political/non-political issue.

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 testimony. However, the participants are at liberty to bring to the notice of the Chamber, 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.

PROSECUTOR'S WITNESSES TESTIMONIALS

PW – 1 (PROFILE OF PROSECUTOR WITNESS – 1)

Name: Eugene Young

Nationality: United States of America

Occupation: Journalist

Age: 40 years

General Description: The witness is a seasoned and respected journalist who has won several accolades for his academic scholarship on various issues surrounding minority rights. He is currently writing a biography of the accused. He seeks to highlight the tendencies, views and perceptions held by the accused in matters relating to the Philo community by relying upon his in-depth research and years of journalistic observations of the accused.

Communication:

“This communication is shared with the Office of the ICC Prosecutor and is intended for its recipients only – who are in turn expected to maintain the confidentiality of this communication, expect as otherwise required in the case against Jordan.

I have had the luxury as well as the misfortune of knowing Jordan since he was an undergrad student here in the United States. I was introduced to him in the convocation ceremony of his alma mater by his professors as the student who shall achieve it all in terms of success and recognition. He was definitely one of those rare breeds of intellectuals with a purpose and hunger to see it to the end. As time passed, his prominence in the scientific community grew, and so did his ambitions. Jordan always advocated the purification of humanity’s gene pool and felt that, insofar as Xuan was concerned, the same could only be achieved through confrontational riddance of the Philos.

For him, bio-politics was both the means as well as the end. Realizing the potential of negative eugenics, he believed and declared it to be a purgatory panacea to the imbalance created by the Philos in the governance model of Xuan. His public discourses were focussed on the race-based backwardness of the Philo community, which, in his opinion, was evidenced by their genetic infirmities, criminal antecedents and conservative mindset. He had spent years of research and experimentation in trying to convince the world that the only way to expunge these infirmities and to prevent them from handicapping the rest of Xuan was through a robust framework of policies

which could systematically control the population growth of the community using modern scientific methods and leaving the rest to the fate of mortality.

Finally, in my opinion, a primary driver of his ruthless ambitions was the fact that dispensing the Philo community from the demographics of Xuan would have given him an unprecedented political mileage with the top brass of PTA. Therefore, contrary to his qualifications, he volunteered to oversee the enforcement of the very eugenic policies which he helped frame.”

PW – 2 (PROFILE OF PROSECUTOR WITNESS – 2)

Name: David Akeroff

Nationality: Xuan

Occupation: Retired bureaucrat, formerly associated with the Department of Domestic Affairs of Xuan

Age: 58 years

General Description: The witness has been called due to his expertise in the domestic affairs of Xuan. He has been a senior level civil servant to the erstwhile Philo government. In 2008, after taking voluntary retirement, he joined the UF and contested elections to become a member of the legislature. However, he was defeated in the elections by Aaron Schlanky, a cousin of the accused and second in command of the PTA after Carles Puyol.

Communication:

“Modern day western society may misunderstand and misjudge the nuances of Eugenics, but that is only because it hasn’t really reconciled with and taken a stock of its own past. In the growth stage of every country, a time comes when it struggles to make ends meet. This is a time when affluence hasn’t appeared on the horizon; a time when while the economy is sensitive and featureless, the industrious younger crowd is creating opportunities and pursuing new endeavours. This is also a time when the state has to choose between two opposing political factions – to either be socialistic and adopt all of citizenry as one or to let merit prevail and dictate the terms of endowment. Some states choose the later, while the other wish that they had chosen the later.

Eugenics has been practised in a host of countries including the United States, England, Germany, France, Brazil, Russia, Norway, Denmark, Finland, Sweden, Austria, Mexico, Argentina, Cuba and Singapore in some form or the other in varying degrees and different points of time. Theoretically,

this man-made phenomenon can be divided into – positive eugenics and negative eugenics. I intend to focus on what happened in Xuan. Negative eugenics is a systematic effort, either decisional or programmatic, to minimize genes that are considered unfavourable. Such was the focus of policies manufactured by the accused. The media coverage seemed to imply that these legislations were aimed at conditions resulting from deficient heredity which could not be rectified by environmental procedures. However, such coverage was a ruse. The understanding shared by the accused and the Premier was much more malign. My friends serving them at the Department of Domestic Affairs inform me how these two individuals could not stand the idea that while the "flower of the nation", implying healthy men, were going off to difficult terrains serving the army or were assisting the country in developing its infrastructure, the Philos who were rejected by the army were at home reproducing [...] A memo highlighting the described differential fertility was shared with the public to justify the imposition of conditions such as compulsory registration of all children born showing signs of idiocy or physical malformations etc. The tests to determine the fitness and capabilities of an individual were doctored against the Philos. [...]

The enactments and consequent enforcement have caused a huge damage to the population of Philos. In the 10 years since the reign of PTA, the population of Philos has come down to 50% of where it stood before 2008.”

PW – 3 (PROFILE OF PROSECUTOR WITNESS – 3)

Name: [Redacted]

Nationality: Xuan

Occupation: [Redacted]

Age: 75 years

General Description: The witness is a septuagenarian farmer who was informed of his daughter’s untimely death due while she was undergoing an abortion at a government facility. His daughter was 15 years old and had opted for a voluntary abortion. She was a student in a government school. He has volunteered to testify against the accused and all those involved in what he believes to be a, “silent massacre of Philos”.

Communication:

“The Philos of Xuan must be understood as a distinct group even amongst Philos residing in other parts of the world. This is because of the indigenous traits developed by our ancestors and carried forward by us from generation to generation. We domesticated the first root crop in Xuan and maintained pigs-feeds in large numbers. We taught ourselves how to grow food even in soil drained of minerals to the sea water. Through years of persistent labour, traditions and union, we take pride in the complex system of agriculture and husbandry that feeds us and $\frac{3}{4}$ of the country.

Among plenty of other things, our culture is noted for its relatively widespread practice of polygamy in the past, and values of non-violence, ethics and paganism.

Traditional Philo religious practices placed great importance on ancestry - the belief that ancestral spirits participated in everyday life in the present - and magical spells. Many groups of Philo natives continue to believe that spirits inhabit natural bodies such as forests and mountains. However, nowadays, Christianity has been adopted by many of our people. The government looted us of our heritage, labelled us as anti-socials and, instead of protecting us, exposed us to harm and hatred by the fellow Xuanians. From being a living, breathing interactive community, we were suddenly described as subjects of a scientific experiment that called us undeserving of the State’s generosity. Even if it were limited to this generosity, to deprive us of our most basic of human right through forced abortions and sterilizations was an assault on the collective conscience of the whole world. We were manipulated 24/7 – through health care centres, media channels, advertisements and public meetings into submitting ourselves to procedures which would ensure our well-being in the future. This trickery would, more often than not, remain undetected till it was too late. My daughter paid a price for being born a certain way. She was naive, innocent and vulnerable. She was distressed by her unplanned pregnancy. She was mocked, jeered and humiliated in her school. Taking advantage of her gullibility, officials from the SCD had visited her on being informed of her condition by the school headmaster. She was brainwashed into opting for an abortion. They even made the entire process free for her. In order to hide the shame, she went behind my back and offered herself to those culprits. Alas! My poor child!”

DEFENCE WITNESSES TESTIMONIALS

DW – 1 (PROFILE OF DEFENCE WITNESS – 1)

Name: Jordan Schlanky

Nationality: Xuan

Occupation: former Chair, Special Committee on the study of Demographics in Xuan

Age: 45

Communication:

“I have always worked and conducted myself in a professional capacity. I was and continue to be an academic. As a service to my nation, it was incumbent upon me to utilize my knowledge and understanding of biotechnology and allied sciences, for the betterment of the lives of my fellow citizens. My intention, all along, has been to harmonize the efficiency of the human resource of Xuan. To such extend, my assistance to the Premier was limited to preparation of policies which could optimize the productivity of our people with the cost endured by the government. I have never harboured any criminal intent against any person or group. All of my work as the Chair of SCD has been religion, race, gender and nationality neutral [...]

Further, the entire Operation Dexter has vitiated any semblance of propriety and legitimacy carried by this Trial. I have been tricked, coerced and manipulated into entering the territory of Labour Republic. My human rights have been violated by the illegal conduct of Labour Republic and such violation has been encouraged by the ICC Prosecutor. Additionally, this Operation is also an attack on the absolute sovereignty of Xuan over its subjects and territory. Finally, I would request the ICC to reconsider its decision regarding my Trial, particularly in light of the baseless charges levelled against me and the illegal operation that was conducted to hold me as a hostage.”

DW – 2 (PROFILE OF DEFENCE WITNESS – 2)

Name: Devansh Agarwal

Nationality: United States of America

Occupation: Chief Executive Officer, BC Fintech Solutions Private Limited

Age: 35

General Description: The witness is a Sophist ex-patriot of Xuan currently living in the United States. The witness has been friends with the accused. Their association also has a professional link in that the witness's company, while primarily dealing in technological solutions, has been extending donations to the accused and his research projects. Before shifting to the United States, the witness was been an active member of the PTA for many years. However, in June 2010, he resigned from his PTA membership citing professional reasons.

Communication:

“I have known Jordan since 2007. In the time spent in his company, I have always reveled at his genius. But more than anything else, I have always considered him as a man who could make the world a better place.

What must be understood is that the resources at our disposal are and have always been finite. And sooner or later, we are bound to run out of life supporting elements. The trick is to realize this impending doom before we run out of time. Governance has to focus on spending those resources in a sustainable manner. Sacrifices have to be made sooner or later. That is why there is no major world power which hasn't launched such policies. However, we don't see the ICC or for that matter the world blaming them. From what I understand, for Jordan, the Philos do not represent a race or ethnicity of individuals. He looks at them as a community of socially, economically and genetically backward individuals. Thus, no negative inference from his intentions can be validly made.

Jordan is a realist. He understands the implications of letting emotions get mixed with governance. When people get together to form a government under the umbrella of a social contract, they are motivated by a repulsion from the subjectivity of lawlessness. Therefore, they relinquish their right to whims and fancies in order for the State to decide and define what is best for them. In doing so, the State must base its actions on objective criterion. That is precisely what Jordan did while aiding the State of Xuan in fixing its loose ends. At least from his end, Jordan focussed on eliminating the entire gene pool responsible for bringing down the development of Xuan. He never discriminated between communities. He certainly never intended to cause any harm to their person

or property. Such results, if any, can only be blamed on the sovereign. I have also, on past occasions, assisted the government in framing laws. Such committees of experts are common around the world. However, they cannot be blamed for the ultimate operation of the law.”

DW – 3 (PROFILE OF DEFENCE WITNESS – 3)

Name: Dr. William Innuyasha

Nationality: England

Occupation: Professor, Department of Population and Demographic Studies, Central University of Ghana

Age: 40

General Description: The witness is researcher and commentator on various issues involving population crisis and sustainable management. He intends to testify against the claim laid by certain factions that suggests an imminent threat of extinction to the Philos due to the controversial actions of the Xuanian government. The testimony is in addition to similar representations made by the author in several international forums, new articles and academic journals.

Communication:

“I intend to present a bird’s eye view of the alleged “damage” to the Philo community. Like most other races, the Philos are not limited to the islands of Xuan. With the passage of time, even the most secluded and constrained group of individuals traverse through foreign lands in search of better opportunities, food or adventure. The Philos are no different. Thus, there may be other countries with a larger concentration of Philos. I am certain that the overall population of Philos in the Labour Republic has always been larger than that of Xuan. Therefore, the population of Philos in Xuan is representative of a very limited number of the racial group in *toto*. If I were to quantify this miniscule representation, then based on the global increase in the population of Philos, which stands at a rough estimate of 2% per year, the total population of Philos around the world stands around 17,511,100. Out of this entire lot, the Philo population of Xuan, even by 2008, stood at 13% of the world total.

Further, the total decrease in the population of Philos in Xuan could be because of a lot of other reasons which the ICC’s matrix did not take into account – like emigration, aging, frequent intermarriages or death due to genetic diseases common to the community.

Of course, this is not to state that loss of human population is no loss at all. My sympathies lie with everyone who is a subject of state sponsored decimation. But to compare what happened in Xuan with the yardstick developed for measuring the loss during the 2nd World War is unjustified. This is for 2 reasons – one, unlike Germany, Xuan did not participate in active murders as a country; and two, unlike other communities such as the African American community which has developed a distinct identity of its own on an ethnic ground, the Philos of Xuan stand only as tall as the Philos around the world.”

VICTIM'S WITNESSES TESTIMONIALS

VW – 1 (PROFILE OF VICTIM'S WITNESS – 1)

Name: [Redacted]

Nationality: Xuan

Occupation: [Redacted]

Age: [Redacted]

General Description: The witness is a Xuanian Philo and worked as a clerk in the Proletariat Society of Xuan – the nodal governmental department responsible for maintaining the records of all government employees. He was compelled to undergo a sterilization process at a government-run hospital near his village. On conditions of strict anonymity, the witness has agreed to depose against the accused before the ICC.

Communication:

“I have been in government service all my adult life and have been at peace with the little I received during years of service as a clerk. However, things started to turn after the 2008 elections. Most department heads were replaced by a Sophist. We were discriminated against by our own sophist colleagues. The environment in the office turned really hostile for us to continue working in peace. Various attempts were made to indirectly force us to resign from our employment. The employees were segregated based on their race and this segregation applied to a new roster of work introduced by the departments. The most menial of jobs were reserved for the Philos.

When our trade union resisted the tactics employed by the superiors, we were threatened with serious consequences for disobedience. A circular was issued by the central ministry making it mandatory for all government employees and their families to undergo some medical screenings. Later on, I, along with some 50 odd colleagues, was ordered to undergo some operation. They said that the tests had detected some disease in my body which had to be cured. The details of the disease were shared via a handout and were written in a language we could not read. They said that the disease was extremely serious and could jeopardize the health of the entire workforce at my department. When I hesitated, they said that they could terminate my employment under the employment contract for risking the life of other employees and the country. How could I say no? I had no other means of subsistence. Little did I know that I was being tricked into ending my own lineage by those monsters. The truth became clear when in the summer of 2013 multiple men

and women in my village confessed to facing similar threats and forced operations. I also learnt that no one, except those who disclosed suffering from a terminal illness or were beyond the age of 50, was spared. The same news was received from nearby villages and Philo ghettos.

Our misery and humiliation have been extended by a reign of scrupulous men like Mr. Jordan. While being revered for and cloaked under their seemingly innocuous tirade of scientific facts, these men and politicians such as Puyol have simply exploited the trust and ignorance of our people [...]

Our identity is that of a Xuanian Philo. It flows in our blood. We have always considered ourselves a tribe limited and indebted to Xuan. We have ploughed this land as ours, irrigated it with crop roots and have dressed it with flora and fauna. Our sweat and blood that has gone into the making of this country cannot be stolen from us and certainly cannot be dismissed by anyone – including Philos in foreign lands.”

VW – 2 (PROFILE OF VICTIM’S WITNESS – 2)

Name: [Redacted]

Nationality: France

Occupation: [Redacted]

Age: [Redacted]

General Description: The witness is a third-party investigator employed by the Labour Republic for assisting the Central Bureau of Intelligence in collecting intelligence against the activities of the accused. He claims to have supplied vital information to his clients against the accused and his cohorts. He was first approached by the ICC Prosecutor for becoming a prosecution witness. However, he had declined to render any support to the Prosecutor citing prior professional commitments. However, he had agreed to be a witness for the attorneys of the Labour Republic in exchange for a superseding retainer which guaranteed him an undisclosed amount for rendering a testimony before the Trial Chamber.

Communication:

“As per the initial brief that was shared with me by the government’s agents, the Labour Republic, for the longest time, seemed clueless about the genesis of resources with the SCD. They were basically lost and unable to make any headway in their shaky investigation. I, singlehandedly, gave

their lousy work some direction. Of-course it was not easy, what with all the brute force of the Xuanian government against me! But I have a way around the trickiest of situations. That is how I have become the best in my job. That is why governments need me and pay me. SCD needed 2 major resources to cull out those dreadful reports to poison the mind of the government – money and biological specimen. Both could not be shown to have been taken from legitimate avenues. Why? Because i) the public exchequer was legally proofed from all attempts to harness the taxpayer’s money for mere scientific adventurism; and ii) even if the entire collective inventory of hospitals in Xuan was at its disposal, the SCD would still fall short of experiment-worthy organs and samples - not to mention the unnecessary attention such an exercise would draw from the public.

Therefore, SCD needed money from an unknown treasure chest and raw materials from them who wouldn’t ask questions. The solution came in the form of cash received from the continuous piracy operations and extortions and unclaimed organs from the hate crimes committed against Philos. For the government, it was all very convenient – first make structure legislations aimed against communal intermingling; then wait for the opposition to oppose those legislations; then spew hatred against all those in opposition of “progressive changes”; then watch them become victims of mob justice; later claim their bodies for investigation; steal their internal organs and send them to SCD labs and return the rest of the body to the grieving family. It shows a cycle, a pattern, adopted and effected for at least 5-6 years in Xuan.”

VW – 3 (PROFILE OF VICTIM’S WITNESS – 3)

Name: Pablo Escobar

Nationality: Labour Republic

Occupation: Chief, Central Bureau of Intelligence, Labour Republic

Age: 55

General Description: The witness is the head of the primary intelligence agency of Labour Republic. He was responsible for overseeing the smooth execution of the Trial Chamber’s Request for Arrest and Surrender dated November 5, 2018. He has been one of the most highly regarded detectives in the country’s executive departments and has a service experience of 40 years. The witness has also been recognized by other multi-jurisdictional and international investigation

agencies, including the Interpol, for his contribution and assistance in thwarting major terrorist activities in Europe and North America.

Communication:

“The Labour Republic has utmost respect towards international law and its obligations under various treaties the State is party to. Being mindful of our powers and limitations, rights and responsibilities, we, unequivocally, defend Operation Dexter and seek to assert its legitimacy and necessity under the Rome Statute and allied international law obligations.

The genesis of Operation Dexter can be traced to the Request for Arrest and Surrender dated November 5, 2018 issued by the Trial Chamber. Thereafter, acting on intelligence gathered by our federal agencies, we prepared a team of experts to find the most viable solution to secure the attendance of the accused. Being mindful of his political outreach in Xuan, our assessment of the situation was that all other channels of extradition of the accused from Xuan to the Labour Republic, either through diplomatic channels or otherwise, would fail. Additionally, based on intelligence reports, we feared that such a public attempt to arrest the accused could actually lead to more violence against the Philos in Xuan. The accused could have used the same threats as issued by Carles Puyol. We simply could not have taken such a risk.

The Extradition Treaty of 1912 would also have failed to yield any results. This is because the said Treaty is, like most modern extradition treaties, contains heavily guarded political-offence exception clause. Considering the massive public support enjoyed by the accused, the natural reaction of the government in Xuan would have been to call it an issue of political persecution against self-determinism, thus triggering the political-offence exception clause and other allied clauses of the Treaty. The courts in our country have also blessed the Operation under various due process challenges by incorporating the Ker-Frisbie doctrine into our law and harmonizing the same with international law.

Operation Dexter was conceived with the view that the sovereignty of Xuan must, at all times, be respected. We have successfully achieved that by enticing the accused out of Xuan. We have fulfilled the mandate of the ICC. We have assisted the international community in ensuring that the criminal justice delivery system established and managed by the Court is not clogged by the coercion exercised by men in power and have helped the Philo community in getting the justice they deserve.”

ANNEXURE - 1

NOTE: All the Annexures are to be appreciated in the form in which they appear. No clarification will be issued with respect to any of the annexures. Further, no arguments regarding the admissibility, or the manner of procurement of the following annexures will be entertained by the Trial Chamber. However, the participants are free to make arguments on the reliability of the same.

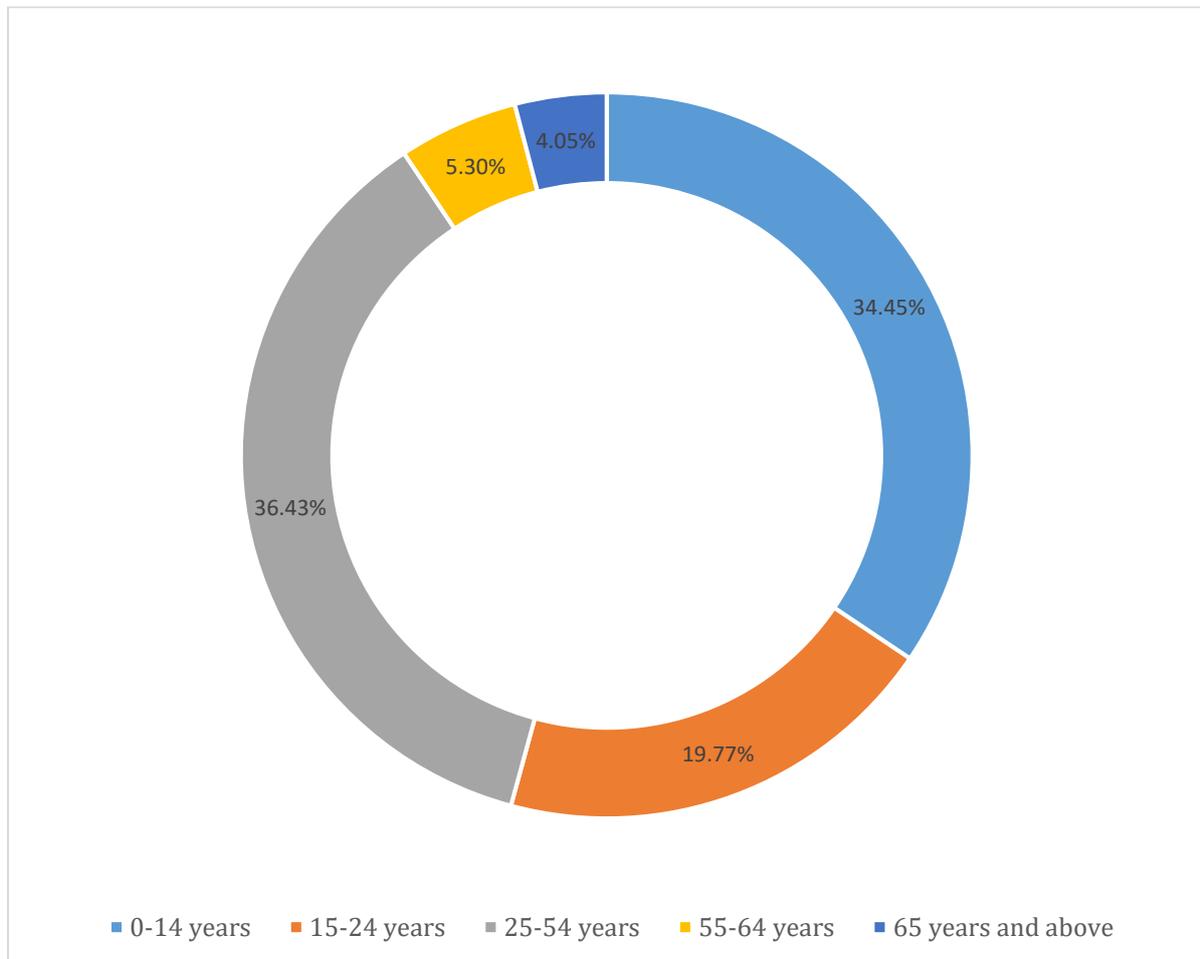
ANNEXURE – 1

The following data was collected in the year 2011 by ‘Spring Field Association’ – a non-profit organization working for alleviation of poverty and illiteracy in Xuan.

XUAN’S FACTBOOK

1. **Population growth rate:** 1.78%
2. **Birth rate:** 24.38 births/1,000 population
3. **Death rate:** 110 deaths/1,000 population (2010 estimate)
4. **Net migration rate:** 0 migrant(s)/1,000 population (2010 estimate)
5. **Infant mortality rate:** 368 deaths/100,000 live births
6. **Total fertility Rate:** 3.10 children born/woman (2010 estimate)

7. Age structure



0-14 years: Males: 1,169,870 & Females: 1,128,631

15-24 years: Males: 668,327 & Female: 650,672

25-54 years: Males: 1,253,827 & Females: 1,177,004

55-64 years: Males: 179,075 & Females: 174,721

65 years and over: Males: 139,060 & Females 131,242 (2010 estimate)

8. Sex ratio

At birth: 1.05 male(s)/female

0-14 years: 1.04 male(s)/female

15-24 years: 1.03 male(s)/female

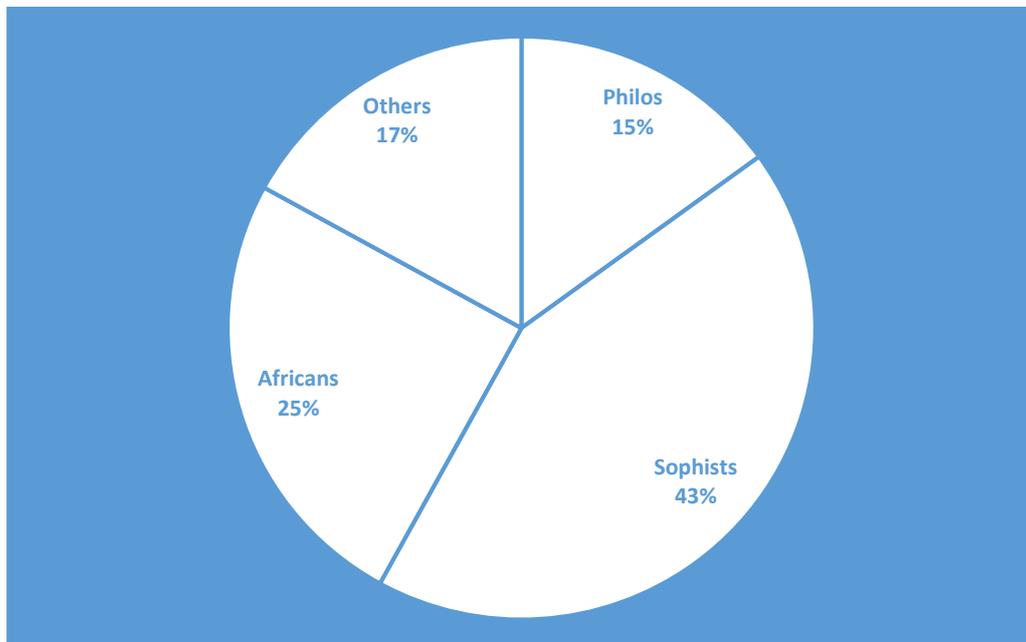
25-54 years: 1.07 male(s)/female

55-64 years: 1.03 male(s)/female

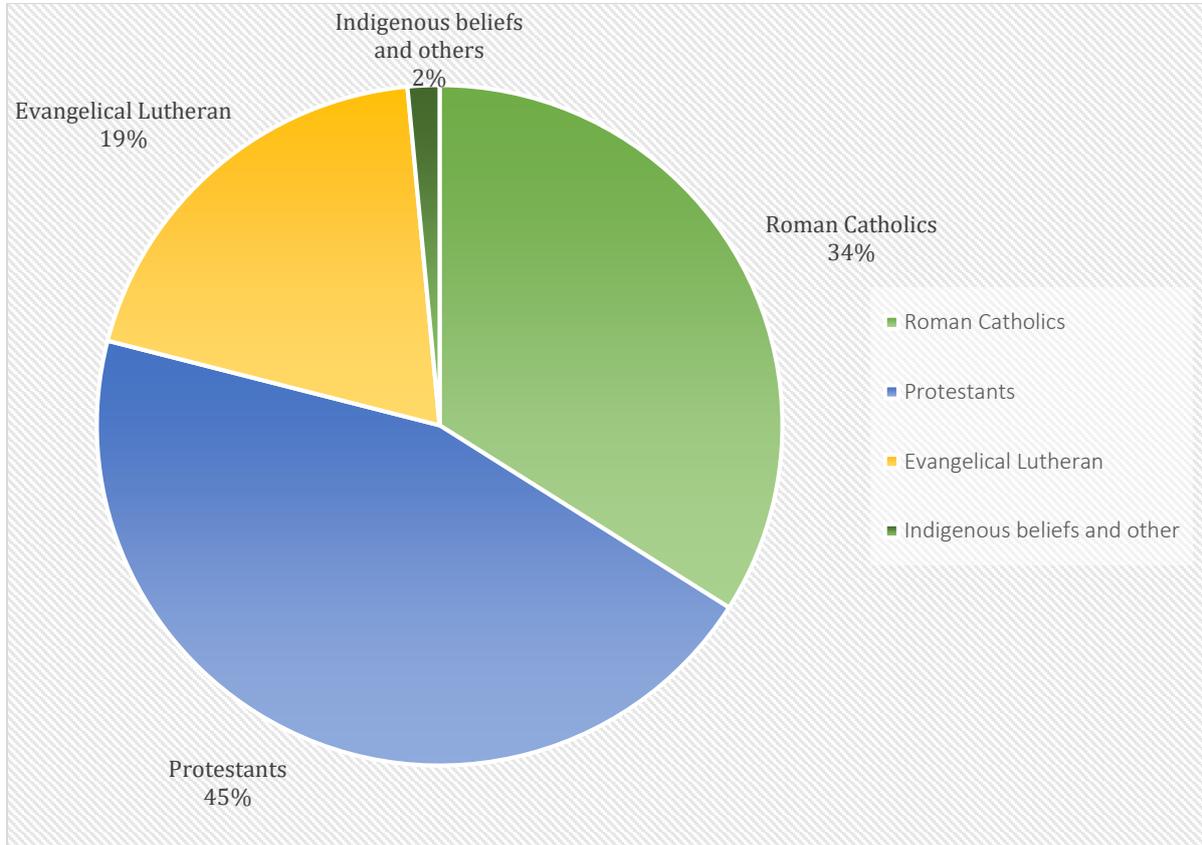
65 years and over: 1.06 male(s)/female

Total Population: 1.05 male(s)/female (2010 estimate)

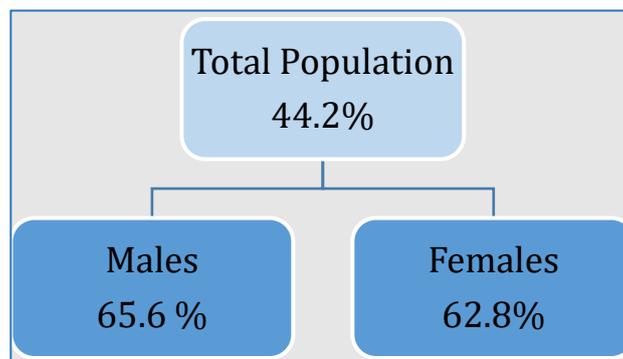
9. Racial Structure



10. Religions



11. Literacy Rate



ANNEXURE - 2

NEWSPAPER REPORT IN 'THE VOICE'

THE VOICE*Voicing the truth since 1898*

Monday, April 23, 2013

PAGE|10

THE HARROWING REALITY BEHIND THE STATE-MANDATED MASS ABORTIONS

By special correspondent - Kinnao Musa

Cheenach, Xuan: The joys of being an expectant parent are beyond most joys in the world. However, for an alarmingly high number of expectant parents in the State, this joy has been short-lived since mid-2012 due to the 'Pre-screening Notification'. The notification issued by the Ministry of Women and Child Welfare dated 24th June, 2012, mandating pre-screening of expectant mothers belonging to the Philo community for identifying if the fetus is a carrier of a specific nano-gene 'X36' has been surrounded by controversies regarding its need and legitimacy since its inception. The data upon which the Pre-screening Notification has relied and which explains the probable mutation of gene structure of the members of Philo community which has been turning the recessive nano-gene 'X36' into a dominant gene due to the practice of inbreeding between the Philo community has been viewed with dubiousness by the scientific community.

Various reports, including the Report by the State's largest private medical institution - Grace Avery Hospital and Research Centre- have shown that the existence of 'X36' nano-gene has been found in a few members of all Xuanese communities, but now is nearly obsolete in all communities, including the Philos. On the assurance of anonymity, a senior doctor of the Grace Avery Hospital and Research Centre gave the statement that "(X36) effects are not as high-reaching as they are touted to be. While it is true that the individuals carrying the 'X36' nano-gene are prone to be risk-averse for developing chronic lung and intestinal ailments, the life-expectancy of individuals found to be carrying the 'X36' nano-gene, is not lower than that of the

individuals not carrying the specific nano-gene. The mandatory abortion of fetuses of Philo expectant mothers suspected to carry 'X36' is not only unnecessary but outrightly barbaric. In fact, even the abnormally high numbers of abortions do not correlate with the miniscule population which is probable to carry and pass on the specific nano-gene, but we can't question the State".

Raida (name changed), a Philoan., is one of the many victims of this inhumane policy and her pregnancy was forcefully terminated at 20 weeks in the Sansuksh Memorial Government Hospital after she was found to be a probable carrier for 'X36' in the pre-screening this March. "It is a conspiracy by the government against all Philoans. I kept begging them to re-check, kept saying that no one in my family has ever had any kind of lung or intestinal abnormality and therefore I would not be carrying the 'X36' but my plea fell on deaf ears. I was drugged and after waking up I could feel the emptiness of my womb, the emptiness of my life" said *Raida* while wiping off her tears.

While many groups have filed petitions against the Notification, the Supreme Court of Xuan has dismissed all the petitions by stating that it cannot interfere in matters of public policy.

ANNEXURE - 3

ANNEXURE-3

**TRANSCRIPT OF THE TEXT MESSAGES EXCHANGED BETWEEN THE
ACCUSED AND CARLES PUYOL DATED MAY 15, 2014**

The following transcript has been accessed by the ICC Prosecutor through the aid and assistance of the officials in Xuan and submitted as evidence before the Trial Chamber.

Date: May 15, 2014 (Thursday)

Time: 1714 hours

Jordan Schlanky: Good evening Premier. Firstly, allow me to congratulate you on completing three years as our leader. Your reign has, indeed, been one of the most promising times for our country.

Date: May 15, 2014 (Thursday)

Time: 1923 hours

Carles Puyol: Thank you Jordan. None of it could have been possible without your support. I still remember the day when Aaron introduced us. You seemed so disenchanted with the turn of event under the former Premier – that filthy Philo. Looking back, I feel very proud at our partnership and what it has achieved for this country.

Date: May 15, 2014 (Thursday)

Time: 1927 hours

Jordan Schlanky: The Philos have always been responsible for the pitiable state of affairs in this country, sir. However, I am glad that under your leadership, we have finally resolved much of the crisis.

Date: May 15, 2014 (Thursday)

Time: 2008 hours

Carles Puyol: The gratitude is mutual my friend. I know that I will not stop till I wipe out every last one of them. And I also know for a fact that but for your acumen, these cockroaches would still be feasting on our nation's treasures. Continue the good work Jordan. I will meet you on Tuesday in my office.

Date: May 15, 2014 (Thursday)

Time: 2031 hours

Jordan Schlanky: Duly acknowledged sir.

ANNEXURE - 4

The following is the relevant excerpt of an interview given by the accused on May 13th, 2010. The interview was given in Lalaland and published on May 15th, 2010.

The People's Daily

One-on-one with THE MODERN SCIENTISTS

In this 5-part series, the People's Daily brings to you an exclusive, never before interview of the most prominent (and controversial!) men of science – individuals who are busy shaping the world while most of us go about doing our household chores. These men have gotten it all – riches, wives, recognition and toys – but what marks them apart is their insatiable hunger for advancement based on immutable principles of nature. This series focuses on their mettle, personal beliefs, causes they've spent their lives for and much more. Subscribe our magazine today to find out all that you've missed about these – MODERN SCIENTISTS!

Chapter 1: Jordan Schlanky – the rock-star scientist

Brief Introduction: Our first guest for this exclusive series, Mr. Jordan Schlanky, needs no introduction. From Harvard to Oxford, there are no elite universities which do not recognize the worth of this man. But behind the unassuming characteristic humility, Mr. Schlanky is no simpleton. With a net worth of millions, this young scientist has made friends with some of the world's most powerful men, including presidents, diplomats, business tycoons, media moguls and top-notch Hollywood A-listers. With the gifted ability to break even the most puzzling of concepts into layman's terms, Mr. Schlanky is revered for his unique style of connecting concept(s) rooted in one social science with those in others. His students swear that he can spin a cascade of seemingly differential paradigms into one of marvelous interconnectivity. That is why this Xuanian is considered almost like a demi-god in his home land. In this interview, Mr. Schlanky tells us about where he began his journey, his aspirations, the legacy he intends to leave and everything in between.

[....]

Interviewer: We have talked to a lot of your students here and abroad and, strangely, all of them seem to think that you reserve a particular distaste towards the Philo community or at least its leaders. Who is a Philo to you?

Jordan: A Philo is anyone who betrays the ethos of my nation; and the reason I have often cited them as examples in almost all of my lectures on demographic studies is because the Philos, at least to me, represent an easily recognizable embarrassment to the process of evolution. Let me put it this way – there is a reason that you will not find a single famous Philo who has done anything good for the world, or even for Xuan. Philos can't make soldiers, they definitely can't run governments, they can't do business and are the lousiest of all workmen around. What is there service to the nation? And no, eat, pray and love is not a service to the nation, though, it is a great movie! (*mild laughter*)

Interviewer: You've got almost all the tags and titles possible in the academic world. What's next for Jordan Schlanky? Can we expect to see him in the Parliament in the near future?

Jordan: Well, fingers crossed! (*smirks*) But on a serious note, it's not politics that I want to pursue in the strictest sense. I want to use politics as a means to achieve an end of solidarity between all of the world's forces in my vision – minus the unwanted weed. It may take too much time to achieve that if I continue sitting on the academic's chair. In order to expedite things, it's best to change the chair and get one with democratic power.

Interviewer: But, on that note, how exactly do you plan on getting that chair? Sure, you have all the connections in the right place – you're well-endowed with funds and intellect, you are friends with the Premier now, you're committed to the ruling party and you're a Sophist – but even then, since the chair is democratic the people need to know you. My problem is that while half of the population in Xuan doesn't know who you are (as a politician), the other half knows you only too well, albeit, as another Philo hating Sophist.

Jordan: I don't agree with that classification in principle. But, for the sake of argument, even if we accept it on its face value, the uncontroverted truth that remains is – you don't need the entire lot to win elections. You only need the handful that makes the majority. Can I manage to educate, isolate and tranquilize the handful I need? I think I can do that. In my estimation, once you remove all Philo sympathizers from the picture, the public opinion becomes clear and radiant.

[....]