



SYMBIOSIS INTERNATIONAL UNIVERSITY
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SYMBIOSIS LAW SCHOOL, PUNE
CARE | COURAGE | COMPETENCE | COLLABORATION

**SIXTH SYMBIOSIS LAW SCHOOL, PUNE -
INTERNATIONAL CRIMINAL TRIAL
ADVOCACY COMPETITION, 2021
[SICTA]**

COMPROMIS¹

¹ Drafted by Mr. Parth Dixit, alumnus, Symbiosis Law School, Pune, under the supervision of 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 Frammer shall be disqualified from the competition.



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DECISION OF THE PRE-TRIAL CHAMBER

DATED NOVEMBER 26, 2020

ICC-09/03-21/10

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-09/03-21/10

Date: [November 26, 2020]

PRE-TRIAL CHAMBER I

Before: Judge _____, the Presiding Judge
Judge _____, and
Judge _____,

SITUATION IN THE REPUBLIC OF TITAN

IN THE CASE OF

THE PROSECUTOR v. UMBERTO ECO

PUBLIC

WITH PUBLIC ANNEXURES

**Decision pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the
Prosecutor Against Umberto Eco**



To be notified, in accordance with Regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Counsel for Umberto Eco

Legal Representatives of Victims

Unrepresented Victims

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for
Defence**

State Representatives

Others

Registry

Registrar

Victims and Witnesses Unit

Detention Section



PRE-TRIAL CHAMBER I of the International Criminal Court (respectively, “**Chamber**” and “**Court**”), in the case of The Prosecutor v. Umberto Eco

HEREBY RENDERS THE FOLLOWING DECISION:

I. RELEVANT PARTIES

1. Titan, an archipelagic country in Southeast Asia situated in the western Pacific Ocean, consists of about two thousand (2000) islands and islets lying about five-hundred (500) miles off the coast of Vietnam. The capital city of Titan is Xuan, the country's largest city and its main cultural and commercial center, while its most populous city is Vortex City. Titan is bounded by the South China Sea on the west and north, the Celebes Sea on the south and the Dawn Sea on the southwest. The country also shares maritime borders with the island nations of Messier to the west and north, Sombrero to the east and Pinwheel to the south. It boasts an abundance of natural resources and is considered a major center for global commerce in ocean resources according to multiple think tanks. Titan has an area of 22,550 km² according to the local statistical authority and the World Bank, and as of 2017, a population of at least ten million (10,000,000). Christianity is the most widely followed religion of Titan whereas the majority of Titanians consider the Roman Catholic Church as their religious guide.
2. Xuan also acts as the administrative and judicial center of Titan. Further, the city houses the seat of the parliament as well as all the highest appellate, judicial and dispute resolution forums of Titan. In terms of population density, the sizeable civilian population of Xuan is concentrated on its fringes where the biggest ghetto community of Titan lies. The people living in these ghettos and rural areas lead a starkly distinct political and cultural life than the affluent classes residing in the developed inner areas of the city. As per the official census conducted by the government of Titan in 2015, these areas contributed marginal votes or election related political contributions compared to other affluent communities in the country. These areas were also reflected as the most disenfranchised among the young voters of Titan – accounting for only two percent (2%) of the total votes



cast historically in the country's general elections. Mostly, belonging to the protestant faith, this class also ranked the lowest on the employability figures as well as the wellness and happiness index maintained by various human rights organizations running in Titan.

3. Titan is a member of the United Nations, the World Trade Organization and the World Bank. It is a sovereign state, functioning as a unitary semi-presidential republic. It has long been a global center for art, science, and philosophy. It is a major tourist destination, receiving around fifteen million (15,000,000) foreign visitors annually. Further, it has signed and ratified the Rome Statute, the International Covenant on Civil and Political Rights, the Genocide Convention, and the Geneva Conventions.
4. Mr. Jude Steiner, a conservative, catholic, public figure and former President of Titan, governed the administration of the country from mid-2016 till the end of 2019. During his Presidency, the country witnessed mass atrocities, murders, torture and summary executions of thousands of Titanians under the umbrella of his anti-drug campaign, "War on Drugs". With his political party winning maximum representation in the parliament of Titan, Mr. Steiner passed multiple legislations providing for extremely harsh penalties for offences related to trade in or of drugs and substance abuse. Pursuant to the same, he is believed to have taken absolute control over all branches of the State and had issued broad directions to the state police, law and order agencies, prosecutors, members of the judiciary and similarly placed officials to ensure that the said legislations are enforced indiscriminately against those charged for violation of the said laws. During his regime, all procedural safeguards aimed at putting a check on arbitrary exercise of executive and judicial power against the accused persons were made ineffective. The public officials who refused to follow the directions of his office were often charged with false accusations and charges revolving around corruption, dereliction of official duty and obstruction of justice. The Steiner administration established a pattern wherein harsh sentences and illegitimate



sanctions were imposed against the judges and prosecutors who opposed his views on administrative and political matters.

5. Consequently, Mr. Steiner’s actions created an environment of discontent and impunity amidst the civilian population of Titan. Based on inflammatory content released by his office, those belonging to the affluent strata of the society, particularly the earning elderly people, were encouraged to retaliate against any instance of drug abuse in their locality. Accordingly, the ICC Prosecutor recorded a number of hate crimes committed by individuals against people believed to be a part of the drug syndicate. Records also showed that violence, illegitimate force and threats were issued against activists and human rights organizations based in Titan.
6. By the end of 2019, he is believed to have been responsible for the execution or murder of at least thirty-thousand (30,000) civilians.

II. ACCUSED

7. The accused is a member of the judicial infrastructure of Titan. The accused and his family members have served in multiple important positions of authority under the administration of Mr. Jude Steiner. At the time of his arrest, the accused held the position of a senior consultant to the Ministry of Justice, Law and Order (“**Ministry**”), Government of Titan while his wife, Mrs. Martha Ränge served as the chief secretary to the Ministry. His prior engagements include serving before the ADA Tribunal as a judicial officer (2019 - 2020), the Office of the Attorney General of Titan (2013 - 2015 and 2016 - 2018) and the Central University of Xuan as a Professor of Criminal Justice (2007 - 2013). Additionally, the accused is also alleged to be a close advisor and friend to Mr. Jude Steiner. He has given formal legal opinions on multiple policy decisions undertaken by the Steiner administration and has also contributed to the conceptualization of his policies against drugs in Titan.
8. During the period relevant from the perspective of the investigation undertaken by the ICC Prosecutor, the accused was serving the ADA Tribunal situated at Xuan.



He is alleged to have participated in the persecution of civilian population of Titan by illegal use of his office and influence. With the intention of furthering the “War on Drugs” narrative of the Steiner administration, the accused is alleged to have denied all legal claims and defenses of individuals arrested and tortured by the police forces and the local militia working for the government. Furthermore, he is alleged to have intentionally influenced the prosecution of such individuals towards maximum penalty and denial of rights at his disposal. As per the official records compiled by the government of Titan, the accused had granted the highest number of death penalties against those incarcerated by the administration. As per some estimates highlighted by the ICC Prosecutor, the accused, during his tenure at the ADA Tribunal, was responsible for issuing death warrants against seventeen hundred (1700) individuals in connection with cases involving the possession, use and/or distribution of psychotropic substances. The accused is also alleged to have ordered lengthy solitary detentions and life sentences against underage children found to be participating in the usage of prohibited substances. Formal records of the ADA Tribunal also highlight that the accused had systematically denied permission to prosecute or dismiss cases brought against officials for police brutality, loot, public humiliation or torture of gang members including children as young as fourteen (14) years old.

9. The ICC Prosecutor intends to bring forth witness testimonies and other evidence to establish that the conduct of the accused and his intentions were aimed at aiding the policies of the Steiner administration and causing maximum harm and destruction to the civilian population of Titan. The ICC Prosecutor has argued that based on the investigation conducted to date, the case merits confirmation by this Pre-Trial Chamber for the Trial Chamber to determine and rule upon the guilt of the accused.

III. THE SITUATION

10. The situation pertains to the policy and executive decisions undertaken by the administration of Mr. Jude Steiner, in his capacity as the President of Titan. The period of investigation conducted by the Office of the ICC Prosecutor, based on



due authorizations of this Court, extends from July, 2016 to October, 2020. In the aftermath of his victory in the presidential elections of Titan, Mr. Jude Steiner and his cabinet announced a zero-tolerance policy towards the trade and consumption of drugs and related psychotropic substances for any non-medical use. The government announced an aggressive action plan, and formed a dedicated task force called Anti-Drug Authority (“ADA”), to take swift measures which include the use of aggravated police force to arrest the distribution of drugs in all relevant communities of Titan. The ADA was directly linked with the office of the President and enjoyed an almost autonomous status in the governmental hierarchy. The finance department of the country was also instructed to ensure that maximum funds were allocated towards the ADA.

11. On December 14, 2016, the accused, working for the Attorney General of Titan, submitted a memorandum to the Ministry, arguing in favor of the “Unitary Executive Theory” borrowed from the Constitution of the United States. The memorandum favored legal interpretations that would grant unbridled powers with scarce checks and balances to the President of Titan. The accused justified the need for a powerful executive as a response to what he believed to be a, “moral and ethical decay of the polity and civil society of Titan.” The memorandum was widely discussed in the legal community of Titan. As per relevant media reports from the period, the memorandum allowed the accused to catch the attention of Mr. Steiner who, in January, 2017, appointed the accused to the drafting committee of ADA’s “War on Drugs” policy.
12. On March 4, 2017, the ADA held a press conference to announce that, under the authority of the President, the ADA will set up its local watch-dog units called “Friends of the Neighborhood” which will facilitate and assist the general public and police forces to detect and eradicate all active drug syndicates operational in all the major cities of Titan including Xuan. As per the white paper released by ADA, all the units were delegated with executive power, ostensibly to secure maximum efficiency and accountability in the work of such units.



13. The investigation by the ICC Prosecutor brings to our attention the manner in which the War on Drugs policy of Mr. Steiner was implemented by organizations such as the ADA and its affiliates including all reporting units of “Friends of the Neighborhood”.
14. Between July, 2017 and February, 2018, official records show a sharp increase in violence between the police forces of Titan and the members of the civil society alleged to be involved in drug related offenses. Reports cited by the ICC Prosecutor indicate thousands of casualties in the police offensive launched against drug syndicates operating in the cities of Titan. Further, this Chamber also takes note of the communication sent from the ADA to all the police forces authorizing the use of firearms and assault weapons against gang members who refused to observe the community guidelines released by their territorial unit of “Friends of the Neighborhood”.
15. On April 30, 2018, on the basis of his rising popularity among the majority of voters in Titan, Mr. Steiner’s political outfit was able to win seventy percent (70%) seats in the legislative assembly of Titan’s parliament. His victory in the parliamentary elections allowed him to pass formal legislations consolidating his executive authority with ease. Further, he was able to gather the necessary political momentum to support his controversial “War on Drugs Policy” and legislations passed thereunder. Further, on August 3, 2018, the ADA rolled out a controversial policy under which its local units and affiliates were authorized to arm, train and prepare a group of participating local volunteers from pre-screened civilian communities in each district. This local militia was prepared to bolster the efforts of the police forces in chasing individuals believed to be handling drugs. Records show that the local militia was given a free-hand with virtually negligible oversight. The policy was severely criticized by international human rights organizations and the media. However, despite such criticism, the policy was upheld by the highest constitutional court of Titan on the basis of the arguments led by the accused. This judgement brought severe scrutiny to the methods of the administration. It drew attention of the international community including the



United Nations and several world leaders publicly made statements against the administration. Within the next four (4) months, this policy led to a sixty percent (60%) increase in gun violence and the death of seven hundred (700) individuals. Further, reports also highlighted several incidences of arson, sexual violence and loot against marginalized protestant communities, touted to be the epicenter of drug related crimes by the Steiner administration. Further, evidence submitted by the ICC Prosecutor also shows that civil rights organizations (deemed to be an opponent of the administration or its policies) were attacked by armed mobsters with support and intelligence inputs from the local police. Public officials including elected ministers who refused to comply with the mandate of the administration were publicly lynched to set an example for others.

16. On January 10, 2019, Mr. Steiner appointed the accused to the position of the chief judge of the ADA Tribunal of Xuan, a specialized court dealing with all offences relating to trade in or use of prohibited drugs and/or substance abuse. His appointment was in addition to the seventeen other judicial appointments made by Mr. Steiner in that year. All the appointed judicial officers were part of the Steiner campaign.
17. These judicial officers, including the accused, were responsible for adjudicating on prosecutions launched against children and young adults caught using or possessing drugs. They were also responsible for admitting or authorizing cases against the public officials by victims of human rights abuse.
18. Acting on the instructions of Mr. Steiner, these individuals are believed to have been instrumental in executing the “War on Drugs” policy of the administration which led to the death of thousands of individuals and could be considered a crime against humanity under the Rome Statute.
19. By February, 2020, several countries had imposed restrictions and sanctions on Titan thus severely impacting its trade and economy. These sanctions placed by the international community, together with the damage sustained by the internal rift created in Titan, led to public outcry against Mr. Steiner’s Presidency. Several protests were organized across the different parts of the State. The international



press consistently criticized his methods and intolerance. Mr. Steiner's administration responded to the protests by using paramilitary forces against the protestors and suppressing all forms of dissent from their opposition. Members of the police force, representatives of other political parties, activists and multiple journalists were incarcerated and their properties were attacked by the supporters of Mr. Steiner.

20. However, despite his attempts, Mr. Steiner was forced to resign from his position by his political party. He was replaced by the vice-president of Titan, Mr. Francis Dolcini, who in order to pacify the temperament of the country, publicly criticized the policies of the former administration and promised to take swift measures to bring peace and stability in the region by putting an end to the "War on Drugs" policy. In May, 2020, in a rare triumph of accountability, a local court based in Vortex City found three (3) police officers guilty for the cold-blooded murder of a seventeen (17) year old boy. The killing, which was caught on surveillance camera, sparked outrage against the drug war.
21. Similar prosecutions were launched against other public officials responsible for giving "shoot at sight" orders to police departments. Accountability towards and justice for the victims of Mr. Steiner's policies became the primary themes of the forthcoming elections in the State. The call to hold Mr. Steiner and his officials liable and to seek justice for the victims intensified in Titan. Responding to the political pressure, the present government of Titan ordered re-examination of several cases involving individuals charged with anti-drug legislations of Steiner. These cases summarily decided against the defendants in the first instance by the judges, including the accused, appointed by the previous administration.

IV. PROCEDURAL HISTORY AND PRELIMINARY MATTERS

22. On April 24, 2020, Civil Rights Movement ("CRM"), an association of civil rights activists based in Titan requested the ICC Prosecutor to open investigation against the Situation relating to the crimes committed under the "War on Drugs" policy of the Steiner administration. On August 30, 2020, the Prosecutor released a preliminary report with respect to the Situation referred to it on April 24, 2020.



By virtue of this report, the Prosecutor announced that, in its opinion, the attacks referred under it, via the Situation in Titan, pass the legal standards governing the jurisdiction of the Court with reference to applicable provisions of the Rome Statute. The report clarified that the incidents, which form the subject matter of the reference and allegations pertaining to commission of crimes under the jurisdiction of the Court, fall within the threshold of sufficient gravity to warrant action by the Court.

23. On September 27, 2020, this Chamber, following the due process given under the Rome Statute, authorized the ICC Prosecutor to launch a formal investigation in connection with the Situation in Titan.
24. Meanwhile, Mr. Steiner, anticipating severe sanctions against him and his assets, brokered an amnesty deal with the present government of Titan – thus securing for himself an absolute immunity and pardon from all investigations and prosecutions by the government. In return for a peaceful transition of power in favor of Mr. Francis Dolcini, he was also able to secure a safe passage for himself and his family members to China, thus, successfully evading arrest and trial by this Court.
25. However, with the assistance provided by the successive administration of Titan, the ICC Prosecutor was able to secure the formal arrest of a total of eleven (11) individuals, including the accused, to stand trial before the International Criminal Court. These individuals included close aides of Mr. Steiner as well as high ranking officials of the ADA. As on the date of this order, all of the said individuals stand to face their respective trials before the Court.
26. This Chamber is presently seized of the case against the accused – Mr. Umberto Eco for crimes committed during the period of January, 2019 till his resignation from the ADA Tribunal which became effective from September 5, 2020. Since September 10, 2020, the accused had been serving as a senior consultant to the Ministry of Justice, Law and Order, Government of Titan.

**V. CHARGE**

27. On October 21, 2020, the ICC Prosecutor filed before the Court, the document containing charges leveled against the accused for acts committed during his tenure as a judge of the ADA. The charge on which the accused is sought to be prosecuted is Crime against Humanity of Murder.

VI. BRIEF ARGUMENTS OF THE OFFICE OF THE ICC PROSECUTOR

28. The ICC Prosecutor has relied on a series of evidence and witness testimonies to frame the charge confirmed against the accused. On the basis of the said witness testimonials, a brief description of which has been attached hereunder, the Prosecutor intends to establish that the accused acted as a willing accessory to the criminal design of Mr. Jude Steiner. Further, the Prosecutor has also argued that at no point in time during the relevant period was the agency of the accused ever threatened or put at risk of jeopardy and that, therefore, his participation in the crimes committed in the situation being investigated remained voluntary at all times.

VII. BRIEF ARGUMENTS OF THE OFFICE OF THE DEFENCE

29. The Defence, based on its oral arguments and written submissions, has argued that the Prosecutor has failed to establish the threshold of criminality prescribed under the Rome Statute. Further, the Defence has also clarified that it intends to raise substantive defenses during the trial of the accused and shall inform the Trial Chamber of the same as per the procedure established under the Rules of Procedure and Evidence. The Defence, *inter alia*, intends to establish that the accused was simply observing the command of the Steiner administration as were several other public officials to avoid injury to his self and/or his property.

VIII. IDENTIFICATION OF THE VICTIMS

30. This Pre-Trial Chamber also acknowledges the application dated October 29, 2020, submitted by the CRM seeking leave of the Chamber to participate in the proceedings against the accused. Before we proceed to discuss our observations



regarding the application dated October 29, 2020, it is important to provide the context in which the application has been made.

31. CRM is an apolitical, non-partisan, non-profit and non-governmental collective working under the aegis of the United Nations. This association operates as a specialized committee responsible for providing legal aid, humanitarian assistance and counseling in distress ridden communities of Titan which have been severely impacted by the War on Drugs policy of the Steiner administration. The association operates on an ad-hoc basis and is affiliated with multiple international non-governmental organizations including the Red Cross. It has been working on rehabilitation of the families affected by Mr. Steiner's policies since March 2017.
32. The CRM now seeks to participate in the trial of the accused in the capacity of the Legal Representative of the Victims.
33. During the course of the proceedings so far, CRM has made multiple submissions, both oral as well as written, before this Chamber arguing its status as a victim with respect to the Situation being investigated. Appropriate opportunity has been given to the Prosecutor as well as the Defence to make submissions regarding the application dated October 29, 2020. The Chamber, after due consideration of the relevant provisions, including, Articles 57(3)(c), 67(1), 68(1) and (3) of the Statute, Rules 85, 86, 89, 90, 91 and 103 of the Rules of Procedure and Evidence and Regulations 24(2), 80 and 81 of the Regulations of the Court, admits applicant CRM as the Legal Representative of the Victims to the proceedings in the case against Mr. Umberto Eco.



IX. FINDINGS OF THE CHAMBER

34. For these reasons, the Chamber hereby:
- (a) **DECIDES** that it has jurisdiction over the present case and determines that the case is admissible;
 - (b) **DECIDES** to confirm, pursuant to Article 61(7) of the Statute, the charge presented by the Prosecutor **against** the accused to the extent specified in paragraph V of the present decision and to **COMMIT** the accused to the Trial Chamber for trial on the charge as confirmed.
 - (c) **TRANSMITS** this decision and the record of the proceedings in the instant case to the Presidency pursuant to Rule 129 of the Rules.

Done in English and French, the English version being authoritative.

Judge _____
Presiding Judge, Pre-Trial Chamber I

Judge _____
Judge, Pre-Trial Chamber I

Judge _____
Judge, Pre-Trial Chamber I

Dated this November 26, 2020
At The Hague
The Netherlands

WITNESS TESTIMONIALS

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



PROSECUTOR'S WITNESS PROFILES

Prosecutor's Witness Number - 1

Name: Eugene Young

Nationality: Citizen of the United States of America

Age: 40 years

General Description: The Witness is an experienced and popular journalist who has written several books and papers on various socio-political issues of Titan. He is currently writing a manuscript on the Steiner regime. He seeks to highlight the motivations and context in which all the individuals responsible for perpetrating the War on Drugs policy against the population willingly acted so by relying upon his in-depth study and years of journalistic observations of the geo-political developments in Titan.

Communication:

“The underlying current with which Steiner rose to power was the lack of will power shown by young adults of Titan in exercising their right to vote. Statistics have clearly established that these young voters do not actively participate in the election process, thus, leaving the fate of candidates in the hands of the few adult and elderly voters. Steiner’s strategy was simple and effective - focus the election campaign towards the ignorance of this elderly population. He spoke of how the society was undergoing a downfall because the youth are distracted and in bad company. He promised swift and conclusive action against this supposed downfall. He promised that under him, the biggest culprit for the downfall – “the drug problem” – would be defeated. Effectively, with this political strategy, he increased the rift between the poor and the rich and caused further division between the majoritarian Roman Catholics and the Protestants who are in the minority in Titan. People voted for him because he convinced the voting population that



the poor protestant was out there to destroy the civilized family traditions of the innocent hardworking catholic [...]

Every person who has assisted the accused causing these murders under the umbrella of positive law has also harbored the same political ambitions as Steiner. In various interviews I have conducted over the last three (3) years, it has become abundantly clear that for people like Umberto, Steiner had set a precedent worth following. Therefore, in connection with the international crimes committed in Titan, such people were willing participants and not just some accessory forced to assist Steiner from the fringes. The accused himself has actively drawn professional and financial benefits by assisting Steiner in carrying forward his criminal design. Nothing else can justify his sudden rise in power, prestige and position.”



Prosecutor's Witness Number - 2

Name: William Mason

Nationality: Citizen of Titan

Age: 36 years

General Description: The Witness has been a former judicial clerk to the accused, having served the accused from April 11, 2019 to November 2, 2019. The Witness's testimony relates to the intention of the accused while handling the anti-drug enforcement cases in the ADA Tribunal.

Communication:

"Mr. Eco functioned as the closest confidante of Mr. Steiner in Titan's judicial class. Both of them favored a restrictive approach to human rights interpretation and had scant regard to due process. In Eco, Mr. Steiner found a man he could trust when it came to pronouncing multiple prosecuted youngsters guilty and subsequently sentencing them to give legitimacy to Steiner's propaganda. On the same footing, in Steiner, Mr. Eco found an ally for his long-term political ambitions of putting into practice his unitary executive legal theory. Mr. Eco, apart from working towards sentencing as many undertrials as he could, was also instrumental in influencing other judges in our system in following the dictums given by Mr. Steiner. He felt that morality could only be restored through brute force.

Thus, his instructions to his judicial clerks and interns were straightforward – every one of us was given a draft of the final ruling relating to the cases we were to assist Mr. Eco with. We were instructed to initiate preparing final judgements on those cases as soon as the charges were confirmed by the judge. All due process was thrown out of the window. These judgements were being written even prior to the first hearing in the concerned trials. Further, he rarely took the advantage of the written submissions of the defense, if any, in finalizing his judgements.



Further, I remember the senior brass of the ADA would often come and meet him in his office at the tribunal. He would hold lengthy, closed - door meetings with these officials. None of us were ever allowed to attend any of these meetings. Such meetings were against the settled traditions of judicial propriety in our country where judges have always refrained from entertaining any member of the public or the executive branch from into their chambers within the court premises.”



DEFENCES' WITNESS PROFILES

Defence Witness Number -1

DW1 Name: Martha Ramge

Nationality: Citizen of Titan

Age: 45 years

General Description: The Witness has been the chief secretary in the Ministry of Justice, Law and Order, Government of Titan since 2014. During her tenure at the Ministry, she has worked with the accused in a professional capacity and intends to depose in favor of the accused at his trial.

Communication:

“Mr. Umberto Eco has served this country as a judge with absolute honesty and integrity. He is a man with an unblemished track record and has conducted himself with the highest of character serving his designation and portfolio in the government. He has never been culpable of any wrongdoings and any accusation against him can only serve the political interests of the current administration – in light of the amnesty deal offered to Mr. Steiner. He is being used as a scapegoat and his prosecution before the ICC itself betrays all established notions of justice and fairness.

The dictatorship of Mr. Steiner was fierce and his loyalists ensured that all of us, and the judges appointed by him to the various courts and tribunals were kept under strict scrutiny. Any leniency or discretion exercised by the tribunals in favor of those charged with breach of applicable anti-drug laws would be severely reprimanded. The Ministry itself served at the whims of the President and reported names to the judicial ombudsman exercising watch over the conduct of the judges. But the environment of fear was not singularly attached to formal means of the Ministry. Liberal judges were threatened by the civilian followers of the administration. A



clear message of, “abide or perish” was conveyed by the administration to the executive in the clearest terms through different means including the use of force.

Umberto has always aimed at preserving the sanctity of life. After his tenure at the ADA Tribunal, his first memo as a consultant to the Ministry highlighted best international practices aimed at reformation and restoration of delinquent people, particularly young children, back into the society. Even as a judge, he made sure that trials weren't kept pending for long as the same would increase the chance of the detainee being brutalized by the police department. His actions and conduct have been exemplary and have been aimed at saving lives while acting within the confines of the law which he took an oath to protect and uphold.”



Defence Witness Number -2

DW2 Name: Umberto Eco

Nationality: Citizen of Titan

Age: 51 years

Communication:

“I vehemently deny all accusations against me. There are absolutely no valid and reliable evidence showing my involvement in any wrongdoings that may have been committed by any other individual. Further, my personal belief has no nexus with my professional and constitutional duties as a judge serving the ADA Tribunal. The oath of integrity undertaken by me, the letter of the law and my conscience were the only guiding factors which aided me in all my adjudication.

My actions were simply in pursuit of the law and the mandate set by the lawmakers of the country. My discretion as a judge was highly curtailed by the environment of fear and apprehension created in the country. I was under a constant vigil – having received insinuations and veiled threats by the administration that any leniency shown to the culprits would not be tolerated. As a judge, despite my conservative stand, I have never advocated violence or any kind of civil unrest.

I have never harbored any intention to participate in the war on drugs policy which became the focus of Mr. Steiner. My interests were limited to serving my country, serving my office and protecting my life and limb and that of my family.”



VICTIMS' WITNESS PROFILES

Victim Witness Number -1

VW1 Name: John Ferraira

Nationality: Citizen of Titan

Age: 53 years

General Description: The Witness was a former senior officer in the police force of Xuan with a service experience of thirty-five (35) years. The Witness was the highest-ranking police officer in Xuan during the Steiner Presidency. However, on December 15, 2018, the witness was charged with insubordination and indiscipline and, subsequently, terminated from his service with cause, and imprisoned for eleven (11) months, for ordering investigation into the custodial death of a sixteen-year-old teenager accused by the local Friends of the Neighborhood unit of distributing cocaine in his community.

Communication:

“Steiner and his cabinet ruled mercilessly and with a stern hand. They wanted to create an atmosphere of fear and distrust between the economically weaker and the affluent sections of the society. Our forces were clearly instructed to terminate all vagabonds responsible for substance abuse. However, if circumstances did not permit an outright encounter, we were instructed to slap the highest charge possible under the law books against the individual. Contrary to the traditions of the police department, Steiner wanted our officers to hold as many public meetings and press conferences as possible. Instructions were to disseminate information on ongoing investigations or weekly raids to the press on a routine basis. The police force was transformed into an organization of his personal henchmen on the weekdays while on the weekends our job profile included acting as a mouthpiece of his political ambitions.

My conscience didn't allow me to serve this man. But I kept quiet for the sake of my life and livelihood. Dissent wasn't tolerated in his administration. However, I could not stand the cold-



blooded murder of a kid. My order to initiate investigation against the police officers responsible for the murder were quashed by the regional police commander and I was immediately suspended from duty with pending investigation on the bogus charges I was charged with.

My own unit was responsible for initiating criminal trial against at least four-hundred (400) people, the majority of which were based on ill-founded evidence and dubious investigations. The public prosecutors attached with my last station assured us that none of these trials will proceed on the basis of investigation or the evidence submitted. We were told that the judges in Xuan were in support of the “vision of President Steiner.”



Victim Witness Number -2

VW1 Name: [redacted]

Nationality: Citizen of Titan

Age: 19 years

General Description: The Witness was a former convict in the Central Prison of Titan, located on the outskirts of Xuan. The Witness, on July 20, 2019, was charged, along with three (3) others, for aiding and abetting the commission of trade in banned substances, an offence punishable under the national criminal code of Titan. Subsequently, on July 22, 2020 he was arraigned before the accused in the latter's courtroom. The accused, on the same date, ordered that the trial of the Witness would proceed from July 24, 2020 at 10:00 A.M. On July 30, 2020, the Witness was convicted by the accused and sentenced to undergo seventeen (17) years of imprisonment. Subsequently, the said trial of the Witness was overturned by the Supreme Court of Titan, its highest court exercising appellate jurisdiction, on the ground that the accused, while presiding over the trial of the Witness, based on the record of the trial, appeared to be influenced by bias in his decision - making thus rendering him unfit to act as a neutral judge.

Communication:

"I used to work as a mechanic back then. My neighborhood was notorious for the drug syndicate and disliked for being poor. Living in this neighborhood was my only fault. After 2016, the police patrolling in our vicinity was significantly increased. Initially, we were in support of this renewed attention. However, we soon realized the nightmare the next few years were going to become. I have witnessed cold-blooded murder of my countrymen in broad daylight. No human rights for us. The mere suspicion of a wary or an upset police officer was sufficient to crack down on a household and destroy a whole family. All of this in the name of a war that weren't even a part of."



My elder brother was also convicted by the same judge – the accused. His own trial lasted for ten (10) days in which he was locked up in prison and denied even basic assistance from the court. The injury marks on his body which ultimately led to his death while in the police custody weren't sufficient for the accused to grant him a decent hearing, let alone bail on grounds of medical emergency.

The first three (3) lawyers who refused to take my case were generous enough to warn me that I was going to be put in jail irrespective of everything. And all through the mere four (4) days of trial I was given, I was succinctly reminded of that warning by the conduct of the accused. No amount of pleas could move him into allowing me access to a lawyer at least or giving me some time to prepare my case. Where an average criminal trial in Titan takes anywhere about eight (8) months to a year, the accused ran his court with impunity. The only evidence against me was the fact that I was found near the building where drugs were discovered by the police. This sole evidence was the testimony of a person. I wasn't even allowed to confront their witness for more than nine (9) minutes. No documents were shared with me prior to July 25, 2020 by the court or the prosecutor.”

ANNEXURES

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 – I | EMAIL COMMUNICATIONS

Following is an email transcript between the chief of the ADA and the accused, obtained by the Office of the ICC Prosecutor, with the aid of local authorities, during its investigation into the crimes committed by the accused.

From: Nemanja Vidic <NemanjaVidic@ADA.tin> Jan 24, 2019: 11:33 A.M.

To: Umberto Eco <eco.umberto@ADT.tin>

Subject: Warm Wishes

Dear Judge Eco,

On behalf of the President and the entire staff at the ADA, I extend my hearty congratulations and best wishes to you on your new venture. We have little doubt that your appointment to the tribunal will usher a new enthusiasm in our ground forces towards total eradication of the drug syndicate in Titan. Further, in pursuance to the meeting between our agents and your representatives at the station in Xuan, last Tuesday, I can confirm to you that the President will be pleased to introduce you to the relevant officials in the Ministry of Justice. After all, the President has a reputation of honoring his promises and you are a key asset in his vision to make Titan re-claim its former glory. We look forward to closely working with you in creating a safer environment in Titan for our combined future.

On Jan 25, 2019 at 03:30 P.M., Umberto Eco wrote:

Dear Nemanja,

Thank you for your warm wishes. Once again, I express my wholehearted gratitude to Mr. Steiner for placing his faith in me. We shall strive to implement his vision and policies in letter and spirit to secure for all a peaceful and stable society in Titan.



From: Nemanja Vidic <NemanjaVidic@ADA.tin> September 19, 2019: 10:00 A.M.
To: Umberto Eco <eco.umberto@ADT.tin>
Subject: Status Call

Dear Judge Eco,

I have been instructed to get a sense on where things stand as of date. Request you to please share with us statistics relating to disposal of bail or discharge applications from your courtroom. My assistant will be sending you our requisition list separately. The President intends to hold a press conference in the first week of October and data from important courts in Xuan will help him bolster his claims further. Lastly, as discussed, please ensure that on or prior to September 30th, your courtroom is able to dismiss at least fifty percent (50%) of applications against illegal detentions.

On September 21, 2019 at 11:30 P.M., Umberto Eco wrote:

Dear Nemanja,

We will be publishing the stats on our official website for the public in the next few days. I will make arrangements for you to access the same separately on email.

On the recommendation of following the dismissal threshold, as I have explained previously, the nature of my office doesn't permit manifestation of any explicit bias. I am therefore constrained to take any steps which may put me under spotlight. Please accommodate some concession in my favor. Rest assured, I remain as committed to the Steiner administration as I have always been.

On September 21, 2019 at 06:17 P.M., Nemanja Vidic wrote:

Dear Judge Eco,



In performing your functions as a judge, we sincerely hope that you will remember that it was the President who gave you this opportunity and all the luxuries you enjoy today. As your friend, it is my duty to inform you that the President and our party members will not tolerate non-obedience from those who promise allegiance. We have managed to silence our opponents and rogue affiliates in the past and we will manage to do it in the future as well.



ANNEXURE – II | ADDRESS DELIVERED AT INAUGURATION OF COURTROOM V

The following is a speech delivered by the accused on March 13, 2020 on the occasion of the inauguration of a new courtroom in the premises occupied by the ADA Tribunal wherein the accused was one of the participating dignitaries, as accused by the Office of the ICC Prosecutor during its investigation.

“Ladies and Gentlemen and my dear friends,

[...] It is my privilege to deliver this address on this mighty occasion. This event is not just about the opening of another functional courtroom in the tribunal. It also represents the commendable work that this administration, under the leadership of Mr. Steiner, has done since coming into power. Gone are the days when criminals could take the system for granted. Gone are the days when the judicial process could be manipulated by anti-social elements under the name of activism and human rights litigation. Gone are the days when Titan would tolerate those living off our labor and subverting our values and families. Titan would not tolerate anymore. We will punish and we will put the fear of God into anyone who tries to protect those responsible for the corruption of our children and our future [...]

I have been in public service for most of my adult life. And, unfortunately, I have witnessed a consistent decay of our moral character over all these years. As I have argued on several occasions, the remedy to this consistent decay lies in the promise of a strong and consolidated presidency. We need a strong and decisive leader to take us through this phase. We cannot allow procedural hurdles and abstract notions of civil rights to interfere in our healing process. The only permissible and necessary check required against the power of a unitary executive are elections and impeachment processes. Beyond these safeguards, we cannot allow the other limbs of the State – whether it be the courts or the media – to arrest the revival of our motherland [...]

Lastly, it is also imperative that we take genuine efforts towards the rehabilitation of those who have been convicted for their wrongdoings. They were and remain a part of our civil society. A lot of lives have been lost in our efforts to eradicate drugs from our neighborhood. But we must continue to forgive those who stand as reformed individuals before us. We must guide them back to a healthy and dignified life. The burden is on all of us to ensure that no true patriot is left behind.



ANNEXURE – III | MEDIA REPORTS

This annexure contains a series of media reports and quotations relating to the manner in which the War on Drugs policy was enforced by the Steiner administration. The reports were published across various media outlets in Titan and were collated by CRM and subsequently shared with the ICC Prosecutor . The evidence has been admitted by the Trial Chamber.

Tales of Torture and the Special Anti-Drug Enforcement Agents.

Times of Titan, October 25, 2019

The Friends of the Neighborhood Units created by the government of Titan have reached a new low in treating the detainees captured under the anti-drug enforcement laws. Children as young as fifteen (15) years of age who have been detained in prisons are being interrogated for hours without food. Here we quote one such school-going teenager who has recently been released on bail:

“We were beaten and our wounds are left unattended. In a rat hole of a room, around thirty of us were kept for six months. Our parents weren’t granted any visitation rights. The police kept pressuring us to confess to selling drugs in the main cities [...]”

WHO IS THE REAL ENEMY?

-The Xuanian Daily

20th July, 2019

The Xuanian Daily caught up with the parents of the deceased Mr. Justin Blake - a young civil servant who could have had a promising career in the public services. As reported earlier, Mr. Blake was murdered by 2 bike borne assailants in the morning of 11th July, 2019. His attackers have since been arrested and have claimed to be Steiner’s supporters. In its press conference, the state police department has informed us that the attackers have confessed to killing Mr. Blake for being sympathetic towards persons charged for drug possession. In their up and personal conversation with the Xuanian Daily, his parents have begged the administration to spare their lives and the lives of their other children [...]



NOTES TO THE COMPROMIS

- (a) 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.
- (b) 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.*”
- (c) The participants are at the liberty to develop multiple strategies to be used in the different oral-rounds of the Trial and the same is encouraged.
- (d) Notwithstanding anything mentioned in Point (c) above, the memorials submitted by the Participants shall cover all aspects of the law as applicable to the factual matrix in the backdrop of the charge confirmed against the accused.
- (e) 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.
- (f) 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.
- (g) 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/nonpolitical issue.