SYMBIOSIS INTERNATIONAL UNIVERSITY
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SYMBIOSIS LAW SCHOOL, PUNE
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ELEVENTH SYMBIOSIS LAW SCHOOL, PUNE –

INTERNATIONAL CRIMINAL TRIAL

ADVOCACY COMPETITION, 2026

[SICTA]

April 2, 2026 – April 5, 2026

COMPROMIS[1]

[1]Drafted by Mr. Parth Dixit, an alumnus of SLS, Pune in his individual capacity. Any attempt to reach out and/or communicate with the problem framer by any participant, directly or indirectly, in connection with the trial advocacy competition or this Compromis will lead to immediate disqualification.

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PRE-TRIAL CHAMBER I of the International Criminal Court (respectively, "**Chamber**" and "**Court**").

HEREBY RENDERS THE FOLLOWING DECISION:

Undisputed Facts

1. Genovia

(a) Genovia is a large federal republic located in the Western Hemisphere, comprising twenty-five constituent States and a federal district that houses the national capital. It operates under a written Constitution dating back more than several centuries, which establishes a presidential system with a clear separation of powers among the executive, legislative, and judicial branches. The judiciary is independent and structured across federal district courts, circuit courts of appeal, and a supreme constitutional court at the apex.

(b) Economically, Genovia is one of the world's most advanced and diversified economies. Its gross domestic product is among the highest globally, driven by a combination of technological innovation, high-value manufacturing, advanced financial services, pharmaceutical research, and a robust digital economy. Genovia hosts many of the world's leading technology companies, established research universities, and high-performance computing centres. It has historically led global innovation in software development, artificial intelligence, and more recently, frontier large language models and advanced autonomous systems. Its currency is widely used in international transactions, and the Genovian Central Bank is considered one of the most influential financial institutions globally. The country maintains extensive trade and defence partnerships and is a founding member of several major international organizations.

(c) Genovia has a population of approximately 340 million people. It is highly pluralistic, composed of multiple ethnic, linguistic, and cultural communities that have shaped the national identity over centuries through successive waves of migration. While the majority language is Genovian English, the state recognizes linguistic diversity in education, public broadcasting, and cultural initiatives. Religious and ethnic pluralism are constitutionally protected, though regional demographic patterns vary significantly across states. Urbanization levels exceed 83%, with several metropolitan regions—particularly the Northeastern corridor, the Pacific coast, and the Southern technology belt—serving as key economic hubs and centres of innovation.

(d) Culturally, Genovia is known for its emphasis on individual liberties, entrepreneurial spirit, and a long tradition of academic excellence and scientific inquiry. Artistic and cultural production, including cinema, literature, performing arts, and digital media, forms a significant part of its global influence. The nation hosts some of the world's most renowned museums, universities, and cultural institutions, which play a crucial role in shaping global public discourse. Genovia's foreign policy has historically emphasized democratic governance, free markets, and technological leadership, though domestic debates frequently arise around immigration policy, digital regulation, and military engagement abroad. Despite periodic political polarization, the institutional framework of the country remains stable, with high international confidence in its political and economic systems.

2. Islandia

(a) Islandia is a mid-sized parliamentary democracy located on a coastal peninsula in the Eastern Hemisphere, bordered by two larger neighbouring states with whom it has historically had complex political and security relations. The country operates under a parliamentary system grounded in religious text enacted several decades ago when the modern state was established. Executive authority rests with the Prime Minister, who commands the confidence of the unicameral legislature, while a ceremonial President serves as the Head of State. Islandia's political system is pluralistic, with multiple

parties representing a range of ideological positions and social constituencies. Coalition governments are the norm, and legislative debate is known for being active and is highly scrutinized.

(b) Islandia's economy is technologically advanced and export-oriented, with particular strengths in cybersecurity, advanced electronics, medical technology, water management, and agricultural innovation. Limited natural resources compelled Islandia to invest heavily in education, research, and technological development. As a result, the country is recognized as a leading centre for start-ups and applied research, attracting global venture capital and multinational collaborations.

(c) Islandia has a population of approximately 11 million people, consisting of several distinct cultural and ethno-linguistic communities. The majority population of the country practices a shared linguistic and cultural tradition that forms the basis of the modern national identity. Alongside this majority group, Islandia is home to a sizable minority population of a tribe called Xuanians that maintain its own linguistic, religious, and cultural heritage. While all citizens are entitled to equal civil and political rights under law, social and political debates frequently arise regarding integration, representation, and the distribution of state resources. These issues are particularly pronounced in regions where minority communities form concentrated populations.

(d) The country's foreign policy prioritizes national security, technological leadership, and strategic alliances, often shaped by its unique geographical context and long-standing regional tensions.

3. Froland

(a) Froland is a densely populated territory situated along the eastern coast of the same region as Islandia, sharing land and maritime boundaries tightly intertwined with

Islandia. This country's majority population comprises of the Xuanians. The governance structure of Froland is fragmented, with competing administrative authorities exercising varying degrees of control over different zones. Historically governed by a provisional authority established through religious leadership and an internationally mediated framework, political power has gradually devolved into multiple factions. As a result, day-to-day governance—covering municipal services, border control, and civilian administration—varies significantly across regions. Elections have been held intermittently but are often disrupted by political divisions, fiscal limitations, or security concerns.

(b) Economically, Froland faces significant structural constraints. It has limited natural resources, a narrow industrial base, and restricted access to regional markets due to long-standing mobility and trade regulations. The economy depends on agriculture, small-scale manufacturing, remittances, and international assistance from foreign governments and multilateral organizations. High unemployment rates, particularly among youth, have contributed to periodic social unrest.

(c) Cultural identity plays a central role in community life, with strong emphasis on family networks, local solidarity, and preservation of historical heritage. Xuanian religion is deeply interwoven with cultural and social norms and functions as a key institution in community cohesion.

(d) Culturally, Froland's society is marked by rich artistic traditions in poetry, music, theatre, and craftsmanship. Folk arts, culinary heritage, and local storytelling form an important part of social life. Despite economic hardship, Froland has produced notable scholars, writers, and artists whose work is recognized internationally. The education system, though under strain, remains a point of communal pride. Its international relations predominantly revolve around negotiations on borders, security arrangements, and access to economic resources, making it one of the most diplomatically scrutinized territories globally.

4. Relationship between Islandia and Genovia

(a) Genovia and Islandia have maintained exceptionally close diplomatic, strategic, and economic relations for more than seven decades, forming one of the most enduring bilateral partnerships in the contemporary international order. The relationship originated in the mid-20th century, when Genovia recognised the newly established Islandian state shortly after its founding and extended early diplomatic support through development assistance, technical collaboration, and political backing in a range of international forums. Over the years, these ties evolved into an institutionalized alliance underpinned by a shared commitment to democratic governance, technological progress, and security cooperation. Genovia views Islandia as a pivotal partner in a geopolitically sensitive region marked by long-standing territorial disputes, complex demographic pressures, and recurrent instability. In this context, Islandia has consistently aligned with Genovia in multilateral institutions, supported key Genovian foreign policy initiatives, and hosted several regional security dialogues facilitated by Genovian envoys. Correspondingly, Genovia has served as Islandia's most dependable diplomatic advocate, often providing political cover in international deliberations relating to security operations, territorial administration, and humanitarian access.

(b) Economically, the two states maintain deep structural interdependence. Genovia is Islandia's largest trading partner, major foreign investor, and principal anchor for research cooperation. Successive Genovian administrations have entered into comprehensive trade, investment, and scientific exchange agreements that provide Islandian firms privileged access to Genovia's vast consumer market and technological infrastructure. Islandian technological innovation—particularly in cybersecurity, medical robotics, advanced semiconductor design, and defence systems—has found early and receptive markets in Genovia's industrial and academic ecosystem. Joint research programs, involving universities, federal laboratories, and private enterprises from both countries, have produced several breakthrough technologies in digital intelligence, satellite imaging, and biosciences. The two nations hold annual bilateral summits focused on next-generation computing, ethical governance of emerging

technologies, and cross-border data flows, reflecting an alignment of long-term technological priorities.

(c) In the past two decades, the relationship has expanded significantly in the domain of artificial intelligence and large language model development. Genovia's unparalleled computing infrastructure and historic leadership in foundational model research positioned it as the global epicentre of advanced LLM development. As frontier models evolved to unprecedented levels of reasoning capacity, national security relevance, and economic value, Genovia adopted a policy framework categorizing frontier LLM technology as a strategic asset subject to heightened export controls. Under this framework, Islandia was designated a "special strategic partner," granting it preferential access to successive generations of Genovian LLMs in recognition of the two countries' shared security imperatives, trusted research environment, and long-standing alignment of political interests. This preferential access—formalized through multi-layered memoranda of understanding covering cloud integration, compute allocation, co-development rights, and shared safety-evaluation protocols—allowed Islandia to deploy advanced LLMs across civilian and security sectors earlier than any other international partner.

(d) The exclusive nature of this technological partnership has attracted significant attention in global diplomatic circles. Several states, including emerging economies and neighbouring countries to Islandia, have raised concerns in multilateral forums regarding the potential inequity created by such preferential access, arguing that the unilateral transfer of advanced models risks heightening regional asymmetries in digital capability, economic competitiveness, and autonomous systems governance. Genovia, however, maintains that the arrangement is consistent with its sovereign right to regulate strategic technologies, emphasizing that Islandia's democratic institutions, data-governance frameworks, and security cooperation history satisfy the conditions required for responsible deployment. Islandia, for its part, has welcomed Genovia's continued support, noting that the technological partnership constitutes a vital component of its national resilience strategy and contributes to regional stability. Against this backdrop, the Genovia–Islandia alliance remains one of the most

influential bilateral relationships shaping global debates on security, frontier technology governance, and access to next-generation LLM systems.

5. Relationship between Froland and Genovia

(a) Genovia's relationship with Froland is longstanding and diplomatically significant, shaped by its dual role as a principal development supporter and a key mediator in the territorial conflict between Froland and Islandia. Since the mid-20th century, Genovia has endorsed internationally recognized frameworks supporting Frolandian self-governance while simultaneously maintaining a close strategic alliance with Islandia. This dual-track policy has made Genovia an indispensable yet often contested actor in regional diplomacy. Frolandian authorities frequently view Genovia's involvement as necessary for political progress, though some criticize its inability—or unwillingness—to balance its commitments more evenly.

(b) In recent years, access to advanced technology—particularly large language models—has added complexity to the relationship. Genovia's export-control regime designates Froland as a restricted-access jurisdiction, citing data governance concerns and political instability. As a result, Genovia's companies are prohibited from licensing their LLMs to Frolandian entities/individuals. Frolandian scholars have often highlighted the grave impact occasioned due to inequitable distribution of LLMs by those countries holding a disproportionate amount of intellectual property over such advanced technology. This technological asymmetry has become a defining feature of the Genovia–Froland relationship, reinforcing broader diplomatic and developmental challenges that continue to shape the region.

(c) Islandia's relationship with Froland is defined by a complex history of territorial claims, demographic pressures, and contested governance arrangements that have evolved over several decades. Following the establishment of the modern Islandian state, competing assertions of historical rights, security needs, and land ownership led to cycles of

conflict and intermittent negotiations. These assertions have often been the subject of international scrutiny, with global institutions calling for clearer frameworks to balance security with civilian mobility, economic development, and humanitarian access.

(d) However, sustained peace between the two counties has not been achieved yet as Islandia emphasizes its need for secure borders, effective counterterrorism measures, and guarantees against external interference, while Froland prioritizes easing of restrictions that limit trade, employment, and freedom of movement imposed by Islandia and its allies on Froland.

(e) Economically, Froland remains heavily dependent on external assistance, partially due to limited access to regional markets and periodic closures of crossing points under Islandian regulation. Nonetheless, interdependent economic links persist, particularly through labour arrangements, humanitarian coordination, and shared infrastructure. Culturally, both societies maintain deep historical narratives tied to the land, contributing to strong emotional and political sensitivities around negotiations. Overall, the Islandia–Froland relationship remains central to regional stability, shaped by unresolved political issues, asymmetries in control, and ongoing international efforts to support a durable settlement.

6. The Accused

(a) Thomas Malvek is a former Genovia-born diplomat who rose to prominence within Islandia's foreign service in the early 2005s, eventually serving in Islandia's administrative services. After retiring from the diplomatic corps in 2011, Malvek pursued a second career as a political strategist and lobbyist with the Islandia Advancement Forum, a well-connected private organisation advocating intensified bilateral alignment between Genovia and Islandia. In that role, Malvek was widely credited with securing a landmark agreement under which Genovia granted Islandia preferential access to its frontier-grade MOON-X large language models, including

modules ordinarily restricted under Genovia's Strategic Technologies Export Commission. This access positioned Islandia as the only state in the region to deploy such systems at scale.

(b) Sometime in February 2019, following this political success, Malvek transitioned back into government service as Commander of Islandia's Special Unit for Border Enforcement ("SUBE") before being appointed Director-General of the National Migration Authority. In these capacities, Malvek allegedly played a central role in conceptualising, operationalising, and overseeing Islandia's policy of using advanced LLM systems to identify "irregular entrants" and to authorise their removal to unspecified "partner jurisdictions" under unregistered bilateral frameworks. International observers allege that Malvek approved and directed the technical configuration of MOON-X modules used in migrant-screening operations, including the incorporation of discriminatory contextual datasets that systematically flagged persons of Frolandian origin as security risks.

(c) According to the allegations, these practices led to the misclassification of numerous Frolandian families as unauthorised migrants. Several such families were subsequently transferred to Noland, a third country reportedly lacking basic safeguards for receiving populations. There, they were subjected to violence, torture, and in some instances, fatal mistreatment. Allegations levelled against Malvek contend that Malvek exercised effective control over the units conducting screening, transfer, and offloading operations, and that he knew or should have known of the foreseeable consequences arising from the discriminatory architecture he authorised within the LLM system.

7. The Situation

(a) Beginning in 2018, Islandia initiated a governmental review of its border-management system in response to increasing regional migration flows and domestic pressure to modernise screening processes. The National Security Council ("NSC") of Islandia,

working under its Ministry of Home Affairs, concluded that Islandia's existing manual identification procedures were insufficient for detecting forged documents, verifying incomplete records, and addressing crossings along the loosely monitored border with Froland. The NSC therefore recommended the creation of a specialised unit dedicated to integrating advanced computational tools into border operations. This led to the establishment of the Special Unit for Border Enforcement ("SUBE").

(b) During this same period, Islandia intensified diplomatic engagements with Genovia, framing cooperation in public as a broad initiative on trade and cybersecurity. However, internal communications show that Islandia sought access to Genovia's advanced Large Language Models ("LLMs"), particularly the MOON-X analytical suite used for high-scale data parsing and predictive assessments. MOON-X is believed to be a breakthrough software suite amongst ambitious LLMs being developed in Genovia by different companies and one of the most advanced LLM in the entire world during the relevant time.

(c) Genovia historically imposed strict export controls on such technology, but sustained lobbying by Thomas Malvek helped secure an exemption. Through a confidential bilateral technology-transfer agreement executed in early 2019, Genovia authorised Islandia to deploy MOON-X for migration governance. [ANNEXURE X]

(d) Pilot testing began in late 2019. Islandia fed extensive demographic, security, and behavioural datasets into MOON-X to generate probability-based assessments of individuals suspected of irregular entry. Early internal reports noted irregular error patterns and recommended further safeguards, but the system was nonetheless deemed operationally suitable. In early 2020, the NSC approved the Automated Migration Governance Framework ("AMGF"), which consolidated MOON-X screening, remote surveillance units, and human border forces under SUBE. Under this framework, individuals flagged as "high-risk entrants" could be detained and referred to the National Migration Authority ("NMA") for further action. For all practical purposes,

the AMGF's legal basis derived power solely from administrative directives, then under the leadership of Mr. Malvek. The NMA was an extension of the SUBE.

(e) Between 2020 and 2023, Islandia expanded MOON-X installations to all major border posts and inland transit centres, asserting the need to monitor irregular movement beyond the frontier zone. Several news reports and think tanks within Islandia expressed concern over the opacity of MOON-X's classification criteria, especially its frequent designation of Frolandian nationals as "unverifiable" or "high-risk." Despite these concerns, SUBE issued directives permitting expedited referrals and removals under the Third-Country Protocol, allegedly directed by the accused.

(f) By late 2023, Islandia's configuration of MOON-X had evolved into a system that performed both identification and pre-adjudicative decision-making. Its outputs formed the primary basis for referrals under the Protocol. While official guidelines stated that officers retained discretion to override MOON-X recommendations, monitoring reports prepared by international human rights organisations in the country show that no such overrides were documented during the review period. The system thereby functioned as both a screening tool and a substantive arbiter of migration status, effectively transforming technical outputs into binding decisions with direct consequences for individuals subjected to removal.

(g) Further, under the AMGF, thousands of individuals were screened monthly, with a significant proportion originating from Froland. Islandia continued to assert that all removals were based on individualised assessments and security considerations. However, the absence of public documentation on the Protocol's legal basis, procedural guarantees, or the identity of receiving states attracted criticism from international organisations and humanitarian actors.

(h) Another important limb of the AMGF was the Protocol on Third-Country Transfer ("Protocol"). This Protocol allowed the executive wing of the AMGF to undertake

deportations of identified individuals/families to unspecified third countries. This Protocol was not registered with the United Nations or disclosed to international monitoring bodies. [ANNEXURE Y]

(i) The Protocol envisaged cooperation with several unnamed partner jurisdictions; however, press reports later confirmed that Noland became the primary destination for these transfers/deportations. Noland, a state with minimal diplomatic engagement and limited regulatory structures for the treatment of non-nationals, was not party to major international human rights treaties. No publicly accessible agreements existed between Islandia and Noland concerning safeguards, monitoring obligations, or return arrangements of the migrants sent by Islandia to Noland.

(j) Between 2021 and 2024, reliance on the Protocol expanded significantly leading to a high proportion of transfers of individuals originating from border districts of Froland and included families travelling for medical care, seasonal labour, or community obligations, each to Noland.

(k) Several public sources showed that conditions in Noland were repeatedly documented as highly inadequate for detention of the migrants sent to Noland by Islandia. Former liaison officers between the two countries reported overcrowded facilities, limited access to medical treatment, and inconsistent custodial practices. Several accounts referenced the use of physical coercion by local personnel, persecution, prolonged confinement, and the absence of structured family accommodation meted on those detained in Noland. The prevalence of such deplorable conditions in Noland led to condemnation from several countries against the use and deployment of AMGF by Islandia and specific calls targeting the wealth of power and discretion given by Islandia to the accused through the NMA and SUBE. However, no adjustments were made to the implementation of such policy despite mounting international pressure by either the accused or any other official in the government of Islandia for a variety of reasons including the political support extended by Genovia to Islandia.

8. Procedural History

(a) Parallel to the aforesaid, concerns regarding Islandia's migration governance practices, including the operation of the Protocol, were brought to the attention of the Office of the Prosecutor ("OTP") by international humanitarian organisations working with displaced Frolandian communities. These communications described a pattern of involuntary removals of Frolandian people to Noland by Islandia accompanied by reports of disappearances, deaths in custody, and the absence of any procedural safeguards. In early 2024, two former SUBE field officers, who had since sought asylum in Canada, provided sworn statements to several NGOs alleging that transfer lists were approved with full knowledge of the conditions in Noland and that senior officials, including Mr. Malvek, were repeatedly informed of fatalities experienced by migrants sent to Noland.

(b) By mid-2024, the situation had attracted increasing international media attention following leaked internal memoranda referencing the deaths of transferred families. The information collectively suggested the possible commission of crimes within the jurisdiction of the Court, particularly deportation or forcible transfer, inhumane acts, and persecution under Article 7 of the Rome Statute in the context of the fact that each of Islandia, Noland, and Froland have ratified the Rome Statute. In response to such reports and communications, the ICC Prosecutor initiated a preliminary examination of the situation in August 2024 to assess jurisdiction, admissibility, and the gravity of the alleged conduct of individuals responsible for implementation of such policies and practices on behalf of the Islandian government including the accused.

(c) During the preliminary examination, the OTP conducted credibility assessments of the initial communications, corroborated accounts of deaths in Noland through several channels, and obtained further testimony from victims' relatives who had lost contact with individuals removed from Islandia. The Prosecutor also requested information

from Islandia's Ministry of Justice regarding the legal basis of the Protocol and any domestic investigations undertaken. Islandia responded that all removals had been conducted lawfully and denied knowledge of abuses in Noland, asserting that it had "no operational control or continuing responsibility" once transferees were handed over.

(d) Having concluded that the information provided a reasonable basis to proceed, and that Islandia was unwilling to genuinely investigate the conduct of high-ranking officials, the Prosecutor sought authorisation to open a formal investigation. On 5 December 2024, Pre-Trial Chamber II granted the request, noting that available information indicated a systematic policy of discrimination and persecution carried out by the accused through deployment of advanced software particularly against individuals from Froland with disregard for foreseeable and severe risks of harm, and authorising the OTP to investigate crimes against humanity allegedly committed by the accused.

(e) On 18 April 2025, the Prosecutor submitted an application for warrants of arrest against inter alia Mr. Malvek. The application alleged that Malvek, as Director-General of the NMA, exercised effective authority and control over MOON-X classifications, and that he was criminally responsible for the same under the Rome Statute. On 29 April 2025, Pre-Trial Chamber II issued a warrant of arrest for Malvek, citing reasonable grounds to believe that he intentionally contributed to the commission of crimes against humanity, including deportation, imprisonment, inhumane acts, and persecution.

(f) Malvek was apprehended on 9 May 2025 by authorities of Congo after arriving in the country on a private aircraft for a diplomatic forum. Following judicial proceedings concerning the execution of the warrant, he was surrendered to the ICC and transferred to the ICC Detention Centre on 22 May 2025. The Prosecutor filed the Document Containing the Charges on 12 July 2025, and confirmation hearings were held between 2 and 12 September 2025.

(g) On 16 October 2025, the Pre-Trial Chamber issued its Decision on the Confirmation of Charges, finding substantial grounds to believe that Mr. Malvek played a central role in designing, implementing, and maintaining the relevant framework and policies targeting individuals with knowledge that transferees—predominantly Frolandian nationals—faced real risks of severe mistreatment and death. The Chamber confirmed charges of deportation or forcible transfer, imprisonment, inhumane acts, and persecution as crimes against humanity, and referred Mr. Malvek to trial before Trial Chamber I. In the same decision, the Pre-Trial Chamber also considered an application submitted by Frontiers for Human Dignity, a Froland-based human rights organisation acting on behalf of several families whose relatives had been removed from Islandia and subsequently disappeared in Noland. The Chamber found that the applicants had demonstrated a sufficient personal interest in the proceedings and that their participation would contribute to the fairness and truth-seeking function of the trial. It therefore granted them victim status for the purposes of the case and authorised their representation through a court-appointed Legal Representative of the Victims in the trial against the accused in accordance with the Rules of the Eleventh Edition of SICTA. In doing so, the Chamber noted that preliminary material submitted by the organisation—including expert opinions on important issues regarding the legality of the covert bilateral framework between Islandia and Noland. The Chamber observed that the alleged agreement, which facilitated the removal of Frolandian nationals without procedural safeguards, notification to international bodies, or guarantees of humane treatment, appeared prima facie inconsistent with well-established norms of international humanitarian law and refugee protection. It therefore held that the participation of the legal representatives of the victim would assist the Court in assessing the broader factual and legal context in which the charged conduct occurred, particularly the foreseeability of harm to transferees and the systemic nature of the alleged policy.

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.

ICC PROSECUTORS WITNESS - TESTIMONIALS

PW – 1 (PROFILE OF PROSECUTION WITNESS – 1)

Name: *Rakesh Sharma*
Occupation: *Technology Policy Analyst, Centre for Global Technology Governance*
Citizen: *United States*

Communication:

"My name is Rakesh Sharma. I am a citizen of the United States and a senior fellow at the Centre for Global Technology Governance in Washington, D.C. For the last twenty-five years, my work has focused on the intersection of emerging technologies, international regulatory frameworks, and geopolitical power dynamics. I have advised the U.S. Congress, several UN working groups, and multiple academic consortia on the risks associated with inequitable global distribution of advanced artificial intelligence systems, particularly large language models.

At the heart of this case lies what I consider to be the defining technological inequity of our time: the concentration of LLM capabilities in the hands of a few powerful states and private corporations, and the selective licensing of these models to favoured allies. When breakthrough technology of this magnitude is accessible only through exclusive diplomatic patronage, it creates an ecosystem in which international norms can be bypassed, weaponised, or manipulated without accountability. I have warned repeatedly, in published work and policy briefings, that such asymmetries do not merely endanger technological fairness—they destabilise the international legal order itself.

My testimony relates specifically to the transfer of the MOON-X system from Genovia to Islandia. While export controls on MOON-X were among the strictest Genovia has ever enforced, and while there is no way to discover what actually led to the government diluting its own norms, the system was nonetheless licensed to Islandia under what I can only describe as an exceptional and politically motivated exemption. Based on publicly available news reports I have reviewed, the exemption appears to have been facilitated through an unusual

convergence of political lobbying, strategic bargaining, and, in my view, opportunistic influence exercised by the accused, Mr. Malvek.

To be clear, I am not an expert on Islandian domestic politics. But what I do know, from decades of comparative research, is how technological licensing normally works. And this process—this specific exemption—was a glaring deviation from Genovia's established risk protocols. It was clear to many of us in the policy field that Genovia's decision was driven not by sound regulatory analysis, but by geopolitical alignment and the persuasive manoeuvres of individuals like the accused, who stood to benefit personally and politically from securing exclusive access to MOON-X for Islandia.

Once the technology reached Islandia, what unfolded was, in my assessment, a textbook case of technology being repurposed to validate predetermined political objectives. The news reports I reviewed suggested that the accused played a central role in shaping the technical specifications, data inputs, and risk-weighting architecture of MOON-X's migration assessment modules. As someone who has spent years studying algorithmic bias and its manifestations in state-run systems, I found the described pattern deeply troubling. When you feed skewed datasets into an already sensitive model, when you calibrate parameters to amplify certain demographic or behavioural indicators—whether consciously or recklessly—you are not conducting analysis. You are manufacturing outcomes.

The indications that MOON-X outputs disproportionately flagged individuals of Frolandian origin, and that these outputs were used to justify detention and forcible transfer, are consistent with a system that has been intentionally engineered—or "corrupted," to use a common term in our field—to produce discriminatory results. And based on the documents I have seen, including internal audits and technical assessments quoted in the media, Mr. Malvek appeared fully aware of these distortions. If he was not aware, he should have been; he was, after all, the architect and overseer of the entire operational framework.

In my professional view, this convergence of diplomatic favouritism, technological asymmetry, and deliberate system manipulation created a perfect storm—one that enabled severe human rights consequences. The international policy vacuum surrounding LLM export controls meant there were no meaningful guardrails. The accused's conduct, as alleged, exploited that vacuum to operationalise a system that treated Frolandian individuals not as human beings entitled to

rights, but as variables in a risk algorithm. The consequences, as we now understand from multiple humanitarian organisations, include the disappearance, abuse, and probable deaths of individuals wrongfully designated as "high-risk" by a model that should never have been configured this way.

I must emphasise that none of this was inevitable. Had MOON-X been subject to equitable international distribution, rigorous oversight mechanisms, or transparent audit regimes, the discriminatory outputs might have been identified early. Had Genovia adhered to its own export restrictions instead of selectively favouring Islandia's political agenda, this technology would not have been deployed in a context lacking the institutional safeguards required for its safe use. And finally, had the accused exercised even minimal ethical restraint in configuring and deploying the system, the tragic consequences we are discussing today might have been avoided entirely. I believe that the inequitable global distribution of LLMs enabled the harm; the accused operationalised it; and the international community failed to stop it. The resulting human suffering—particularly among Frolandian families—is a stark reminder of the catastrophic risks that arise when advanced technologies are placed in the hands of actors who use them to reinforce discriminatory policies rather than uphold human dignity."

PW – 2 (PROFILE OF PROSECUTION WITNESS – 2)

Name: *Lira Danvek*

Occupation: *Engineer, Gogelo Technologies, Inc.*

Citizen: *United States*

Communication:

"My name is Lira Danvek. I'm thirty-four years old, born and raised in the northern coast district of Islandia. Until last year, I worked as a senior systems engineer at the Special Unit for Border Enforcement. I'm speaking here because I've spent years wrestling with what I saw inside that organisation. I can't undo what happened, but I can tell the truth about how it happened.

When I joined SUBE in 2019, I imagined I'd be working on high-integrity data systems—things like migrant tracking dashboards, risk-flagging tools, that sort of thing. But it didn't take me long to understand that SUBE wasn't just another technical agency. It was an empire built around one man: Thomas Malvek. And he ran it with what I can only describe as an iron fist. Every major vertical—risk analytics, field operations, data ingestion, model calibration—eventually reported to him, formally or informally. There were department heads, including mine from the Model Governance Unit on paper, sure, but whenever Malvek wanted something, it became policy overnight. No questions. No audits. No pushback.

Inside SUBE, everyone knew Malvek had a fixation with Frolandians. I don't know a polite way to say this, so I'll just say it the way we heard it: he openly described them as "inferior stock." He blamed them for Islandia's security problems, our border instability, and even economic stagnation. In private meetings—especially late-night ones when he thought only loyalists were in the room—he said Froland belonged to Islandia "by right" and that the population there needed to be "neutralised" as a threat. A lot of us were disturbed by it, but

some people ate it up because Malvek rewarded them. If you echoed his prejudices, you were promoted. If you questioned him, you were ignored or sidelined. He didn't have to give direct orders to discriminate; he built a culture that did it for him.

After MOON-X was up and running, things got worse. I know that the model wasn't even deployed for a month before the bias became obvious. The first test runs flagged Frolandians at insanely high rates—way beyond any reasonable statistical pattern. We could all see it. The internal dashboards lit up red around Frolandian names, even when their documentation was clean or when the risk variables were irrelevant. Some of us tried to adjust the weightings, but every time we attempted to fix the system, Malvek or someone from his inner circle would override the change.

Eventually we learned why: the model was being repurposed intentionally. Not just biased by accident. The training data pipelines were tuned to emphasise Frolandian cultural markers, community networks, travel histories—things that were not risk factors but were treated as if they were. I worked on the ingestion logs myself; I saw what was being fed in. The model wasn't looking for illegal migrants. It was looking for Frolandians, full stop.

Inside SUBE, we all understood the stakes: once MOON-X flagged someone, that person had no realistic defence. The algorithm's decision went straight into the migration authority's system. Once you were categorised as "Category Red," everything moved fast—detention, processing, transfer. People didn't get lawyers. They didn't get a proper review. And they certainly didn't get a chance to contest the model's output because, officially, the model "didn't make decisions"—it only provided "analysis." That was the internal joke: "The AI doesn't deport you, but it tells the people who do."

The Ethical and Safety Board had warned Malvek of the issues with our system. I personally warned Malvek at least three times. Once in writing, twice in person. The first time was when I brought him a report showing that MOON-X had a false-positive rate of nearly 60% for Frolandians. He skimmed it and said, "That's proof the system is working." The second time,

I approached him after a SUBE meeting where new transfer quotas were being announced. I told him we were detaining entire families without evidence. He looked at me and said, "They are not our people. Focus on the objective." The third time, when the Noland transfer rumours started spreading, I tried to warn him that in light of the consequences that will fall of those people, our system needs a review. He brushed it off completely. "You engineers always exaggerate," he said. "The nation needs results."

By then, everyone in SUBE knew it was pointless to raise concerns. If you pushed too hard, you were replaced. If you kept quiet, you were promoted. I stayed longer than I should have because I believed someone inside needed to document what was happening. But eventually, when I realised that MOON-X's outputs were being used to justify forcible deportations of innocent people, I couldn't stay.

I want to be very clear: Thomas Malvek knew. He knew MOON-X was being configured to isolate Frolandians. He knew those flagged would have no defence. And he knew what awaited them once they were transferred. His hands weren't off the wheel; they were on every lever."

DEFENCE WITNESS - TESTIMONIALS

DW – 1 (PROFILE OF DEFENCE WITNESS – 1)

Name: *Thomas Malvek*

Occupation: *Former Employee, SUBE*

Citizen: *Genovia*

Communication:

"Before anything else, I want to state clearly that I have never—never—personally fed any dataset, instruction, prompt, or code adjustment into MOON-X. I am not an engineer, I am not a data scientist, and I certainly did not dictate what individual SUBE engineers coded or how they managed model training cycles.

What I did—and what my mandate required—was set broad national policy objectives: reduction of unlawful migration, border protection, fraud detection, and allocation of resources for migrant case management. These were statutory obligations, not personal missions. The technical implementation of these goals was left entirely to independent technical departments within SUBE, each headed by career civil servants with decades of experience.

People forget that MOON-X was operated under a multi-layered system: 1. The Data Engineering Division, responsible for ingestion pipelines, preprocessing, anonymisation layers, and compliance checks; 2. The Model Governance Unit, which monitored weights, training regimes, versioning, and drift analysis; 3. The Predictive Enforcement Directorate, which determined how model outputs would be routed to field operations but had no capacity to alter the model itself; and 4. The Ethical & Safety Board, which oversaw red-team testing, bias assessment, and risk protocols.

Each of these units had their own Director; all were government employees protected by civil-service security of tenure working under me. Even if a person wanted to "manipulate" MOON-X, no single individual, not even the department heads, could unilaterally reconfigure a system of this complexity. It would require coordinated action across at least three units, cryptographic authorisations, and most importantly, multi-signature approval logs. There is no evidence—because it never happened—that I ever issued such instructions or participated in such processes.

I have been painted as someone who was personally hostile to Frolandians. That accusation hurts me at a level that is difficult to articulate. My entire professional life has been devoted to migration policy—yes, enforcing it, but never from a place of hatred. There is no statement, memo, email, or speech of mine that suggests I ever harboured animosity toward Frolandians as a community. Only rumours, impressions, and the subjective interpretations of subordinates who, frankly, never liked me are being used against me in this court. Apparently being strict, disciplined, and demanding is now considered a form of hatred.

The suggestion that I somehow "benefited" or derived satisfaction from Frolandians being deported or detained is offensive. I have no political, financial, or ideological motive to target them. If anything, Frolandian labour contributed significantly to Islandia's economy. Destabilising that population would serve no sane policy objective. Yet, I have been made to suffer, I have lost all my government related roles and today earn my livelihood from Blackwell Consulting, a consulting firm founded by me in Noland – aloof from my motherland.

Regarding the claim that MOON-X was "repurposed" to isolate Frolandians: I was never informed that the system was producing biased outputs—at least not in any formal capacity. In a structure like ours, concerns must be raised through documented channels. I received no red-flag report from the Ethical & Safety Board, no risk memorandum from Model Governance, and no compliance alert from the Data Engineering Division. If I had, I would have immediately halted deployment and initiated a full-scale technical audit.

People are now coming forward claiming they "warned" me—always verbally, in corridors, or in phone conversations that leave no documentary trace. I cannot defend myself against such vague recollections. What I can say is that I acted on the information made available to me, and no official channel ever indicated deliberate discrimination encoded into MOON-X.

Finally, the idea that the AI was some kind of machine I personally steered is absurd. Modern LLMs like MOON-X operate through emergent behaviour, probabilistic inference, and massive parameter interactions. Once deployed, their outputs are shaped by data ecosystems, reinforcement protocols, and user interactions spread across thousands of terminals. I had no joystick. I had no override button. I had no ability to "decide" whom the system singled out.

I stand before this Court not as a villain but as a policymaker caught in a technological storm that none of us fully understood at the time. I never intended harm, and I reject entirely the claim that I should be held personally criminally liable for the autonomous behaviour of a system I neither designed, trained, nor controlled."

DW – 2 (PROFILE OF DEFENCE WITNESS – 2)

Name: *Marcus Veldt*

Occupation: *Director, Political Strategy, Blackwell Consulting*

Citizen: *Islandia*

Communication:

"My name is Marcus Veldt, and I served as the Minister of Home Affairs of Islandia from 2016 to 2021. I am here because many of the policies and institutions being scrutinised today—including SUBE—were created under my watch. I believe it is my responsibility to clarify the structure of authority and the reality of how decisions were made, because too many assumptions are being projected onto Mr. Thomas Malvek that simply do not reflect how government actually works.

Let me start with the most basic truth: migration policy in Islandia has always been controlled exclusively by the elected government, not by any individual civil servant, however senior. SUBE—the Strategic Unified Border Enforcement agency—was created as an operational arm of the Ministry, not as a policy-making body. Its job was to implement the directives issued by my office and later by my successors. When I appointed Thomas Malvek as Director of the National Migration Directorate, it was precisely because he had a reputation for dutifully following policy, not creating it.

I want to emphasise this: no director of SUBE, including Mr. Malvek, ever had the authority to shape migration policy, choose geopolitical partners, negotiate treaties, or authorise deportation pathways. Those decisions were made by the Cabinet, by me as Minister, and ultimately by the Prime Minister. It is simply untrue that Mr. Malvek wielded the type of unfettered influence the Prosecutor claims.

Regarding MOON-X, I was the minister who approved the establishment of the initial LLM task force. I attended several policy briefings, every oversight meeting, every presentation by technical leads. At no point—not once—did any engineer, department head, or ethics officer report that the system displayed discriminatory tendencies toward any particular community, including Frolandians. And as a matter of common sense, the Director of the National Migration Directorate would have been several layers removed from core technical operations. The idea that Mr. Malvek personally tampered with data pipelines or "fed bias" into MOON-X is not only implausible, it is technically impossible under the governance structure we approved.

To be absolutely clear: if there was any bias, it was never brought to my attention, and it certainly was never brought to Mr. Malvek's attention. Had either of us been informed, we would have immediately suspended deployment. That was our policy, and it was followed rigidly in all other contexts.

Now I want to address the matter of the so-called "secret treaty" between Islandia and Noland. Those against our arrangements with Noland misunderstand public international law. It is perfectly normal—common, even—for sovereign states to enter into confidential bilateral agreements, especially on security and migration. A secret treaty may be politically sensitive, yes, even controversial—but it is not illegal. Islandia had full sovereign authority to negotiate a framework under which illegal migrants could be transferred to Noland as a transit state, subject to safeguards ensuring their eventual return to their country of origin. That arrangement may now be criticised, but it certainly did not violate any binding international obligation at the time it was made.

As for the allegation that "crimes" occurred because individuals classified as illegal migrants were detained: that argument ignores the robust legal protections available to every detainee within Islandia's domestic legal system. No one was ever deported without due process. Each individual had access to administrative review, judicial appeal, legal counsel, and

humanitarian exemptions. Whether one agrees with the policy or not, these procedures demonstrate that the state complied with both domestic law and applicable international standards. The mere existence of detention, or transfers coordinated with Noland, does not constitute an international crime—especially when legal remedies were fully available."

VICTIM WITNESS - TESTIMONIALS

VW – 1 (PROFILE OF THE LEGAL REPRESENTATIVE OF THE VICTIMS – 1)

Name: *Fredrick Nitsche*
Occupation: *Former Judge, Supreme Court of Noland*
Citizen: *Noland*

Communication:

"My name is Fredrick Nitsche. While I have been a judge of the Supreme Court of Noland, today, I am the Chair of the National Commission of Inquiry into the Treatment of Transferred Migrants ("Commission"), established by our Supreme Court three years ago. I appear before this Chamber not as an advocate, but as a jurist who has spent decades studying how states conceal wrongdoing beneath the veneer of diplomatic cooperation with specific reference to fact finding relevant to this matter.

My aim is to explain how a secret, unlawful, and structurally abusive transfer arrangement between Islandia and Noland was conceived, drafted, and executed—and how Mr. Malvek's personal actions directly contributed to the persecution, suffering, and death of the individuals uprooted under that scheme.

During the Commission's investigation, we obtained internal government correspondence, ministerial briefing notes, and, crucially, the draft and final versions of the Islandia–Noland Migration Facilitation Memorandum, the so-called "Framework for Transit Processing." Although successive Noland governments attempted to deny its existence, our inquiry established beyond doubt that the initial text was authored not by Noland's legal officers, nor by Islandia's foreign ministry, but by a small, hand-picked drafting cell assembled and led by the accused himself.

It was Mr. Malvek who insisted that the entire framework remain unregistered with the United Nations, a position he justified internally as necessary to "prevent external scrutiny and interference." While the defence may portray him as a mere bureaucrat, the documents we reviewed demonstrate that he exercised extraordinary personal influence well beyond the typical remit of a migration official.

Let me turn to what the agreement actually did. Its core premise was that Islandia could transfer individuals flagged by MOON-X as "high-risk irregular entrants"—a categorisation that later turned out to be disproportionately, almost exclusively, applied to Frolandian nationals—to Noland, where they would supposedly await repatriation to their "states of origin." On paper, there were safeguards: conditions on housing standards, medical access, legal representation, and periodic joint inspections. But our inquiry found that these safeguards were intentionally drafted as non-binding, phrased as "commitments subject to domestic resource constraints," a formulation Mr. Malvek personally added to the text.

Once transfers began, the situation deteriorated rapidly. Our Commission visited all five holding sites designated under the framework. What we found was shocking: overcrowded barracks with no ventilation; detainees forced to sleep on the ground; inadequate food rations; zero access to medical care; and frequent reports of beatings, sexual violence, and prolonged isolation. By the time our inquiry concluded, over 140 individuals had died, and many hundreds more had simply disappeared—unaccounted for, unrecorded in any official ledger. We are also positive that Noland's acceptance of such a mandate was secured by the accused through promises of future endowments to the country from Islandia's coffers.

Islandia's representatives frequently argued that these conditions were Noland's responsibility alone. But our inquiry discovered internal SUBE memoranda showing that Islandia was repeatedly informed of these conditions through diplomatic cables and independent NGO alerts. And Mr. Malvek received these reports personally. Yet he took no action whatsoever—not to suspend transfers, not to renegotiate terms, not even to trigger the minimal "concerns procedure" provided in the framework.

Instead, he ordered the continuation of transfers "without interruption," even as the death toll mounted.

I must underscore this point: the legal responsibility for a transfer that results in foreseeable harm lies primarily with the sending state, not merely the receiving one. Every jurist knows this; every official dealing with cross-border transfers is trained on it. Mr. Malvek was no exception. He cannot claim ignorance. The obligation not to expose individuals to inhumane or dangerous conditions is part of customary international law, binding on all without exception. Yet the entire structure of the Islandia–Noland framework—its secrecy, its lack of oversight, its absence of redress pathways—was designed to circumvent these obligations, not to fulfil them.

This is why I have agreed to testify: because what happened to those men, women, and children was not a bureaucratic accident, nor a policy oversight. It was the predictable result of a system built deliberately to remove people from legal protection. And Mr. Thomas Malvek was at the heart of that design."

VW – 2 (PROFILE OF THE LEGAL REPRESENTATIVE OF THE VICTIMS – 2)

Name: *Laila Ferouz*

Occupation: *Homemaker*

Citizen: *Froland*

Communication:

"My name is Laila Ferouz, and before all this happened, I was simply a mother of three trying to build a safe life for my family. I never expected to speak in a courtroom, and I wish with all my heart that I wasn't here—because the only reason I am here is that I am the last person in my family still known to be alive.

We came to Islandia legally. Every document we had was in order—visas, sponsorship papers, medical checks. My husband and I kept copies of everything in a folder because we believed paperwork would protect us. We were naive. One morning, on May 2, 2020, without warning, we were called to the migration office and told that the government feels that we are high-risk irregular migrants.

We tried finding help, but lawyers either refused to take our case or demanded more money than we had ever seen. One of them told me, almost casually, "Once the machine marks you, there is nothing to be done." But I did not believe that. I thought someone would hear us. No one did.

Three days later, officers stormed into our home. My sons clung to their father. My little daughter, barely eight, buried her face in my shirt and cried. We kept telling them we had done nothing wrong. They did not care. At the processing centre, they separated us brutally—men

on one side, women on another. My daughter was torn from my arms, screaming for me. I tried to run to her; a guard slammed me against the wall. That was the last moment I ever saw any of my children.

I was sent alone to Noland. They told us it was temporary. Nothing about it was temporary.

The place they kept us in was not a facility. It was a dungeon. The cell had no beds—just a wet concrete floor where twenty women slept like stacked bodies. There was no clean water. We were given a single dented metal cup that we took turns sipping from. I remember nights when we were so thirsty that we licked moisture off the walls. There were no sanitary pads. We had to tear pieces from the thin prison uniforms to manage our periods. The guards laughed at us when we begged for basic items. They said we didn't deserve anything better.

The food made many of us sick. Sometimes it smelled like it had been left out for days. Some women were too weak to eat. Others gave their share to mothers of small children—though the children rarely survived long. Every week, someone died. Sometimes more than one. I remember waking up to find the woman next to me cold, her hand still reaching towards her chest. Death became normal. That is maybe the worst part—how normal it became.

I kept asking for my children, for any information. "You have no registered family," the officials said. "Islandia sent you alone." Those words still ring in my ears. I knew they were lying, but I also knew I had no power to make them tell the truth.

After thirteen months—thirteen months of filth, starvation, disease, and screams—a small NGO helped me secure a court driven release. I did not even understand what was happening when the guard unlocked the back door and whispered, "Run." I ran barefoot until my legs gave out. From there, the NGO sent me little by little back to Froland.

When I finally reached home, I looked for my family everywhere: Noland's records, Islandia's records, international aid groups. Everyone gave me the same answer: "No such persons are listed. There is no record of your family."

To this day, I do not know if my children are alive or dead. I cannot sleep without seeing their faces—my sons calling for their father, my daughter crying for me. I wake up every night wondering whether they died alone in some cold cell like so many others did.

I stand here because I need someone, somewhere, to recognise what was done to us. My family was not lost to chance—they were lost to a system designed to erase people like us. I survived. They didn't. And I am here because I will not let the world forget them.

ANNEXURES

ANNEXURE 1 | EVIDENTIARY SOURCES AND DOCUMENTATION UNDERPINNING THE REUTERS INVESTIGATION

"Architect of Islandia's AI Migration Regime Faces ICC's Heat"

- *James Corbett, Reuters Investigations Unit*

Published: 14 March, 2024

Islandia's former migration chief, Thomas Malvek, now the subject of potential investigation by the International Criminal Court (ICC), spent nearly a decade shaping one of the most technologically sophisticated—and most opaque—migration control systems in the world. A Reuters investigation based on internal documents from Islandia, procurement data, and interviews with more than a dozen current and former officials reveals the extent of Malvek's influence over the design and deployment of MOON-X, the large language model (LLM) at the centre of the ICC's allegations.

The allegations against Malvek is that Malvek knowingly oversaw a system that identified Frolandian nationals as "high-risk entrants," leading to their transfer to the secretive detention network in Noland, where several later died. Malvek has denied all wrongdoing and remains at an undisclosed location.

According to the Islandian government's purchase records reviewed by Reuters, Islandia began exploring LLM-based border governance in 2014. After months of diplomatic exchanges, Genovia authorised a rare export exemption for Islandia, allowing it to purchase the MOON-X software suite, a high-capacity model ordinarily restricted under Genovia's advanced technology export regulations.

A previously unpublished memo, leaked to Reuters by a senior official in Islandia's Ministry of Interior Affairs, shows that Malvek—then a lobbyist and adviser to the Islandia Advancement Forum—played a pivotal role in the negotiations. "*Malvek's intervention proved*

decisive," one Genovian official wrote in a 2019 diplomatic cable. "*He emphasised Islandia's role as a strategic partner and guaranteed that the technology would be used exclusively for migration assessment.*" The cable was later forwarded to Genovia's Digital Commerce Council, which approved the export licence within weeks.

Once acquired, MOON-X underwent extensive customisation in Islandia. Three engineers with direct knowledge of the process said Malvek, despite lacking a technical background, insisted on prioritising "*behavioural risk heuristics*" rooted in language inconsistencies, cross-border kinship ties, and historical migration patterns—variables that disproportionately flagged Frolandian communities. Internal development notes reviewed by Reuters reveal that the model's early datasets included large volumes of unverified intelligence reports, anonymised but skewed heavily against Frolandian population centres.

In a 2020 directive, Malvek instructed developers to "*maximise predictive sensitivity even at the cost of occasional over-breadth*," according to a document seen by Reuters. Engineers who worked on the system said the instruction was interpreted as an endorsement of high-risk categorisation rates.

Experts who examined leaked code fragments and internal architecture diagrams say the system's design created multiple "*bias pathways*."

"*MOON-X in Islandia was configured with an unusually aggressive conflict-zone weighting*," said Dr. Myra Vexen, a Genovian technologist who reviewed the documents at Reuters' request. "*The model treated Froland's political instability as a live-risk multiplier, even when individuals had no demonstrated connection to any kind of delinquency.*"

Reuters' analysis of the same documents indicates that Islandian developers built a "context amplifier," a secondary model that expanded on MOON-X outputs by searching for corroborating signals across social media metadata, border-control records, and linguistic

markers. The amplifier lacked the counter-balancing filters present in the standard Genovian implementation, according to two engineers familiar with the base model.

A confidential 2021 audit conducted by Genovia's own Tech Export Oversight Commission—obtained by Reuters via a diplomatic source—warned of "systemic distortions" in Islandia's version of MOON-X. The Commission concluded that the risk-flagging ratio for Frolandian subjects was "*disproportionately high and statistically anomalous.*" Islandia never published the audit's findings.

Malvek, who had by then become Director-General of Islandia's National Migration Authority (NMA) and operational head of the Special Operations Unit for Technological Border Enforcement (SUBE), dismissed concerns internally. In one email obtained by Reuters, he wrote: "*The system reflects realities on the ground. Adjustments to reduce sensitivity would endanger national security.*"

Multiple current and former Islandian officials told Reuters that Malvek acted as both architect and guardian of the MOON-X system. As head of the NMA, he chaired the committee that approved the Automated Migration Governance Framework (AMGF), which allowed MOON-X risk assessments to trigger detention and third-country transfers.

Leaked briefings from 2021 and 2022 show that Malvek received monthly summaries detailing MOON-X's false-positive rates. One summary, seen by Reuters, warned that a "*substantial number of flagged individuals were later verified as possessing legitimate documentation*." Another reported escalating concerns about the Third-Country Transfer Protocol, under which detainees were sent to Noland. The briefings included at least four references to "*grave humanitarian risks*," according to an official who provided the documents.

Despite this, Malvek continued to champion MOON-X as "*the foundation of Islandia's migration sovereignty*," according to minutes of a closed-door parliamentary session. Officials

who worked under him described an environment in which questioning the model was discouraged. "*He believed the technology was infallible*," said one former SUBE analyst.

Several in Islandia and Froland believe that Malvek not only understood the system's discriminatory outputs but also approved operational directives that accelerated removals without individualised review. Several families of Frolandian detainees later disappeared in Noland, according to human-rights organisations.

Malvek has not appeared publicly since the ICC inquiry started. His attorneys said he "*categorically rejects*" the allegations and will contest the legality of proceedings.

ANNEXURE 2 | INTERNAL MEMORANDUM PREPARED BY THE INTERNAL COMPLIANCE & RISK OFFICE (ICRO)

The following is an internal memorandum prepared by the Internal Compliance & Risk Office (ICRO), SUBE relating to preliminary audit of MOON-X flagging patterns obtained by the ICC Prosecutor through publicly available resources.

Internal Memorandum

Subject: Preliminary Audit of MOON-X Flagging Patterns (Version 1.2)

Date: [REDACTED]

Prepared by: Internal Compliance & Risk Office (ICRO), SUBE

Classification: Confidential - Leak Strictly Prohibited

Executive Summary

This memorandum presents the preliminary findings of an internal audit into the operational behaviour of MOON-X, Islandia's national migration risk-classification system. The review was undertaken following an increase in internal concerns that MOON-X may be exhibiting asymmetric flagging patterns affecting individuals of Frolandian origin.

The audit finds no direct evidence of intentional interference by senior SUBE leadership. However, several structural, procedural and data-pipeline issues appear to have created pathways through which bias could have been introduced or amplified. While the system functioned within its approved configuration parameters, documentation gaps and inconsistent metadata inputs raise concerns regarding the objectivity of certain risk-scoring modifiers.

These findings are preliminary and require further independent review.

Background

Between Month 7–Month 10, ICRO received 14 written complaints from migration case officers reporting an "unusual clustering" of MOON-X high-risk outputs towards certain communities. Although these complaints lacked detailed technical substantiation, their concentration prompted a limited audit. Further, the following incidents reported widely in Islandian media have also necessitated this audit.

First, in April 2021, a Frolandian family of four was transferred following a MOON-X classification indicating "high-risk associative movement." Internal reviews later revealed that the family's travel pattern reflected routine seasonal migration for agricultural work. Upon arrival in Noland, the family was placed in a facility experiencing a documented tuberculosis outbreak. All five members died within two weeks of arrival due to untreated complications. A preliminary incident note reached NMA headquarters, but no follow-up investigation was authorised.

Second, in September 2021, a group of eight Frolandian nationals was transferred after being flagged as "non-verifiable" due to partially damaged documentation. Reports subsequently received from liaison personnel described severe overcrowding and food shortages in the receiving facility. Three members of the group died following alleged physical assault by custodial staff. The incident was recorded in SUBE's internal logs with the notation "No operational irregularity identified."

Third, in early 2022, a family of four was transferred after a MOON-X output categorised them as a "coordinated movement unit," a designation linked to an experimental predictive module that had not completed internal validation. Internal communications later clarified that the family had been travelling for medical treatment in Islandia. Upon transfer to Noland, they were placed in solitary confinement "pending verification." All four died over the following month due to injuries consistent with sustained mistreatment.

This audit was initiated internally and not in response to external scrutiny.

Scope of the Audit

- Review of MOON-X system logs (limited to 90 days).
- Examination of configuration files and calibration records.
- Interviews with 17 SUBE engineers and 23 field officers.
- Statistical sampling of flagged cases.
- Review of historical data sources feeding MOON-X's contextual modules.

Technical Findings

1. Data Pipeline and Metadata Issues

The audit identified two potential pathways through which bias may have entered the model:

(a) Field-Level Metadata Inputs

MOON-X draws on officer-entered contextual notes describing "behavioural indicators," "irregular travel traits," and "community vulnerability markers."

Several of these notes contained subjective or ethnically coded descriptors, especially in regions bordering Froland.

(b) Legacy Data Sources

Early MOON-X versions incorporated datasets from pre-existing systems that had been criticised for historical selection bias.

The leadership at SUBE may have, knowingly or unknowingly, authorised large-scale system integration, but the audit cannot determine whether the leadership was aware of the nature of these legacy datasets.

2. Output Pattern Analysis

A statistical sample of 22,400 MOON-X outputs shows:

•Individuals with Frolandian-origin markers were 1.8× more likely to be assigned "High-Risk" scores.

• The model flagged "border proximity" as a significant risk driver, though its mathematical weight appears higher than the training documentation suggests.

•When "RSM-2" was temporarily disabled, the disparity decreased to 1.3×.

These findings are not dispositive on causation. They may point to:

•Structural bias embedded in historical datasets, or

•Human-influenced bias in note-taking, or

•Configuration decisions made at policy levels.

Staff Interviews

Interviews presented a divided workplace:

Group A (8 engineers, 11 officers):

Reported feeling "implicit pressure to be strict on border purity," with some attributing such pressure to "signals from higher up,".

Group B (9 engineers, 12 officers):

Stated they "never received political or personal guidance" for intentional entries into the feedback loop for MOON-X.

These conflicting statements limit the audit's ability to draw firm conclusions.

[….]

ANNEXURE 3 | PRINCIPLES OF THE FRAMEWORK AGREEMENT EXECUTED BETWEEN ISLANDIA AND NOLAND

The following annexure shows principles of the Framework Agreement executed between Islandia and Noland, reproduced by the Legal Representatives of the Victims through the aid and assistance of the National Commission of Inquiry into the Treatment of Transferred Migrants since no formal copy of the document has been released for public use by either of the relevant states.

Framework for Transit Processing Between the Government of Islandia and The Government of Noland

The Government of Islandia and the Government of Noland (hereinafter jointly referred to as "the Parties"):
recognizing the need to strengthen cooperation on matters relating to irregular migration and the management of individuals arriving without lawful authorization in Islandia;

Acknowledging the importance of ensuring that all actions taken under this framework respect international law, including international human rights law, refugee law, and humanitarian principles;
Recalling their shared commitment to the humane, orderly, and safe handling of individuals in need of processing;
Desiring to establish a structured mechanism for the transfer, temporary hosting, and processing of certain individuals arriving in Islandia without authorization;

Have agreed as follows:

Recitals

WHEREAS Islandia has experienced a sharp increase in the arrival of individuals lacking documentation or lawful grounds for entry;

WHEREAS Noland has expressed willingness to support Islandia by hosting and processing certain individuals on its territory under agreed legal safeguards;

WHEREAS the Parties acknowledge that such cooperation is strictly limited to the terms of this Framework and must be implemented in accordance with international law obligations;

WHEREAS both Parties affirm that the purpose of this Framework is administrative cooperation and does not affect the sovereign right of either State to determine immigration status.

Article 1 – Purpose and Scope

1. This Framework establishes procedures for the transfer of individuals from Islandia to Noland for transit processing.
2. It applies to individuals determined by Islandia's Government to be ineligible for protection or residency under Islandian law and deemed to be "high risk individuals" by Islandia's internal processes.
3. The Framework does not apply to unaccompanied minors or persons with recognized international protection.

Article 2 – Transfer Procedures

1. Islandia shall identify individuals eligible for transfer and ensure that decisions are communicated in writing.
2. Transfers shall be conducted in a safe and orderly manner, including the use of separate flights or facilities when required for operational reasons.
3. The Parties shall maintain a shared register of all individuals transferred under this Framework.

Article 3 – Treatment and Standards of Care

1. Noland shall ensure that all transferred individuals are held in facilities meeting reasonable standards of health, sanitation, and dignity.
2. The Parties shall take all feasible measures to keep family units together unless separation is strictly necessary for safety.

Article 4 – Monitoring and Oversight

1. A Joint Oversight Committee composed of representatives from both Parties shall meet quarterly to review implementations.
2. Independent observers, including qualified NGOs, may be granted access to facilities subject to security constraints.
3. Both Parties shall promptly investigate allegations of mistreatment or violations of agreed standards.

Article 5 – Non-Refoulement and Legal Safeguards

1. No individual shall be transferred or processed in a manner that results in refoulement.
2. Individuals shall be provided access to legal consultation at reasonable cost in both States.
3. Decisions affecting rights or liberty shall be subject to review by appropriate judicial or administrative bodies.
4. Notwithstanding anything to the contrary, but subject to domestic resource constrains, Noland shall undertake, on a best-efforts basis, to transfer each of such individuals to their state(s) of origin within a reasonable time from the date of such individual's entry in Noland.

Article 6 – Notices and Escalations

Any and all notices, escalations and deliberations relating to the subject matter of this Framework will be shared in a written format with the following designated point of contacts of the respective contracting Parties:

To Islandia:

Name: Thomas Malvek
Email: malvekthomas@islandia.gov.in
Address: 41/63, Emerald Court, Sinn City, Islandia

To Noland:

Name: Director, Interior Security Bureau, Noland
Email: director@isbnoland.gov.in
Address: Interior Security Bureau Headquarters, Capital City, Noland

Article 7 – Confidentiality and Information Sharing

1. All personal data shared under this Framework shall be handled with strict confidentiality.

2. Data may be exchanged only for purposes necessary to implement this Framework.

Article 8 – Entry into Force and Duration

1. This Framework enters into force upon signature by both Parties.

2. It shall remain in effect for an initial period of seven years and may be renewed by mutual consent.

3. Either Party may suspend or terminate the Framework upon written notice, subject to completion of ongoing processing of transferred individuals.

ANNEXURE 4 | UNREAD EMAILS FROM THE PERSONAL PHONE OF THE ACCUSED

The following annexure comprises of select unread emails from an aggregate of 1400 emails extracted from the personal phone of the accused compiled by the office of ICC Prosecutor using the assistance of local authorities in Islandia.

Date: 15 March 2020
From: Senior Systems Engineer, SUBE
To: Director General, NMA
CC: Commander, SUBE

Subject: Concerns Regarding MOON-X Segregation Outputs

Sir,

Following yesterday's data-flow audit, we observed that MOON-X is disproportionately flagging individuals with Frolandian ethnic markers. This may constitute a structural bias in the model or in the recent datasets added by external teams.

We request immediate review before SUBE deploys these results for deportation triage. Several engineers have raised similar concerns informally.

Regards,
Charles Maddock

Date: 28 January 2021
From: Director, Interior Security Bureau, Noland
To: malvekthomas@islandia.gov.in

Subject: Reception Capacity Reached

We wish to inform Islandia that holding facilities in the Northern Corridor are now operating at full capacity. Newly transferred individuals may face extended outdoor processing exposing them to less than ideal winter winds.

We urge Islandia to limit transfers until further notice.

Director, ISB-Noland

ANNEXURE 5 | CHATS EXTRACTED FROM THE MOBILE PHONE OF THE ACCUSED

The following is conversion in the form of chats extracted from the mobile phone of the accused by the ICC Prosecutor with the consent of the accused and reflect text messages exchanged between the accused Thomas Malvek ("TM") and one Mr. Austin Velsh ("AV"), his long time friend and sub-ordinate in SUBE.

5 August 2020

AV (8:12 AM):

Bro, did you catch the Genovia–Froland match? Total collapse 😭

TM (8:13 AM):

Lol yeah. Painful to watch.

Anyway—did you get clarity from the tech team about the "bias issue" they keep talking about?

AV (8:16 AM):

Sort of. They say the screening model is "leaning heavily" on certain linguistic patterns. Mostly Frolandian ones.

TM (8:17 AM):

But is that *confirmed* bias, or just them over-reacting again?

We can't act unless it's verified properly.

AV (8:19 AM):

I mean… they're calling it structural.

TM (8:21 AM):

Have them document everything.

If we're fixing this, we have to fix it by the book.

No shortcuts.

6 August 2020

AV (11:43 AM):

Noland's ministry just sent a long, whiny update. Claiming their camps are "beyond threshold."

TM (11:44 AM):

What does that even mean?

Are they saying they can't process people or they don't *want* to?

AV (11:45 AM):

Honestly no clue. Sounds like they're overwhelmed. And they hinted they can't send people back yet.

TM (11:47 AM):

"Yet" is the key word.

We need confirmation before assuming anything.

Officially they promised they *can* repatriate once checks finish.

AV (11:49 AM):

Yeah but the Frolandians we redirected… they're stuck there now.

TM (11:50 AM):

Hold on—redirected based on the *model's* output, right?

Not discretionary?

AV (11:51 AM):

Yep. All automated flags.

TM (11:53 AM):

Then I want logs. And timestamps. If the system's wrong, we need to know it fast.

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7 August 2020

TM (2:05 PM):

Markets crashing. Your stock tips suck 😭

AV (2:06 PM):

Lmao you bought at ATH, that's on you.

TM (2:07 PM):

Whatever.

Did the internal audit ask about the screening anomalies?

AV (2:08 PM):

Not directly. But they're circling around it.

TM (2:09 PM):

Fine. We'll be transparent, but we frame it clearly:

We flagged the issue, we asked for independent review, and we want a legal-compliant fix.

AV (2:11 PM):

So we're acknowledging it?

TM (2:12 PM):

Acknowledging *concerns*, not wrongdoing.

All we know so far is there *might* be skew. That's it.

Let's not pretend we have full knowledge when we don't.

AV (2:13 PM):

Right. But geopolitically… this mess weirdly helps Islandia.

TM (2:15 PM):

Maybe. But that's not the point.

We're still bound by ethics committees and international rules.

I'm not getting dragged into something murky because someone took shortcuts.

8 August 2020

AV (9:03 PM):

Field monitor leaked photos again. Sending now.

TM (9:05 PM):

Opening…

Wait—is that actually from Noland? Looks exaggerated.

AV (9:06 PM):

That's what they claim.

Conditions look rough.

TM (9:09 PM):

Forward everything to legal, but DON'T jump to conclusions.

We need verification. These leaks are almost always staged. Noland is greedy for our investment and too disoriented to give good service.

AV (9:10 PM):

But if they're real… we kinda should intervene?

TM (9:11 PM):

We intervene only through proper channels.

Nothing off-record. Nothing unofficial.

We don't run Noland, and we can't be blamed for their facilities without proof.

AV (9:12 PM):

Agreed.

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9 August 2020

TM (5:44 PM):

Did you get the new LLM scoring samples? It still flags Frolandians more often.

AV (5:46 PM):

Yeah. The Oversight team said it's "unacceptable bias."

TM (5:48 PM):

If it's real bias, we fix it.

But again—we need evidence. Otherwise it's just noise.

AV (5:49 PM):

You think it's accidental?

TM (5:51 PM):

Most likely.

These models pick up weird patterns—accents, phrasing, metadata—stuff no human would notice.

AV (5:52 PM):

And if someone accuses us of using it strategically?

TM (5:53 PM):

Then we show we followed procedure and demanded investigation as soon as we heard concerns.

That's all we can do. Gotta go now! Have to meet Senor Marcus Veldt. Catch you at night.

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10 August 2020

AV (8:40 AM):

Morning. Cabinet wants an update on Noland.

TM (8:42 AM):

Tell them we're awaiting *verified* information.

Not acting on rumours.

We stick to the agreement and international norms.

AV (8:44 AM):

Rumours say that unfriendly journos are snooping around.

TM (8:45 AM):

Let them.

We've been consistent: legality first, clarity first.

I'm not losing sleep over speculation.

AV (8:47 AM):

Also Froland lost again. 3–0 💀

TM (8:48 AM):

Lol. At least someone's more inconsistent than our tech team.

NOTES TO THE COMPROMIS

1. Any questions pertaining to the jurisdiction/authority of the ICC, including but not limited to jurisdiction over the charge approved, shall not be raised by the participants.

2. For purposes of these mentioned issues, participants shall solely rely on the facts given in the official Compromis under strict application of the principle - "as is, there is...whatever where is."

3. The participants are at liberty to develop multiple strategies to be used in the different oral rounds of the trial, and the same is encouraged.

4. Notwithstanding anything mentioned in Point (3) 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.

5. Paying due reverence to the spirit of SICTA, the participants are encouraged to understand and showcase the technical nuances of different events covered in the factual matrix.

6. Through oral submissions, the participants 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.

7. The official Compromis, including all the annexes, is a work of fiction and has been framed with the sole intention of facilitating the advanced study of international criminal law and the development of professional advocacy skills of law students. The official Compromis has no connection, intentional or otherwise, to any

historical/present political, sociological, or cultural event and does not represent any ideology or affiliation to any political/non-political issue.

8. The participants will note that for the purposes of SICTA, 2026, it will be deemed that Islandia, Noland, Froland and Genovia have executed and ratified the Rome Statute, the Geneva Conventions and each of the other relevant international instruments, as and to the extent applicable to the present case based on the factual matrix provided herein-above.