

## **2020 PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION**

### **CORRECTION AND CLARIFICATIONS TO THE STATEMENT OF AGREED FACTS**

The following correction and clarifications to the Statement of Agreed Facts have been stipulated to by the parties, and the Statement of Agreed Facts jointly communicated to the Court on 9 September 2019 should be considered amended accordingly. The Registrar of the Court reminds all parties and participants of the following:

- a. The wording of the Statement of Agreed Facts has been carefully chosen, and is the result of extensive negotiation. The parties decline to “clarify” matters about which they are unlikely to agree. The parties will not stipulate as to which legal principles are relevant, or which arguments are acceptable or unacceptable.
- b. Any request for clarification not addressed in the following paragraphs has been considered by the parties to be redundant, inappropriate, or immaterial, or the parties were unable to reach a mutually acceptable answer.
- c. Except to the extent that corrections and clarifications are set out below, participants are to assume that the Statement of Agreed Facts is accurate and complete in all respects. In particular, both parties stipulate as to the authenticity of all documents and of the signatures on all documents referenced in the Statement.
- d. With respect to the pronunciation of the various proper names used in the Statement of Agreed Facts, all parties and the Court have agreed that they will not take formal or informal offense at any reasonable effort to pronounce proper names correctly.
- e. Adawa and Rasasa are not parties to any relevant bilateral or multilateral treaties, conventions, or accords other than those referenced within the Statement of Agreed Facts or herein.

#### **CORRECTION**

1. The second sentence of Paragraph 48 is corrected to read: “The acts alleged included ‘serious violations of article 3 common to the four Geneva Conventions of 12 August 1949,’ and ‘other serious violations of the laws and customs applicable in armed conflicts not of an international character,’ within Articles 8.2(c) and 8.2(e) of the Rome Statute.”

#### **CLARIFICATIONS**

1. The Treaty of Botega was ratified by the Republic of Rasasa and the Adawa-Zeitounia Union in December 1929, and entered into force on 1 January 1930.
2. The Republic of Garantia has been a party to the Rome Statute since 2005, and its referral mentioned in paragraph 15 was pursuant to Article 14 of the Rome Statute.
3. The final physical elements of the WALL were installed on 10 January 2018, and the system was activated on 12 January 2018. Since the time of deployment, each tower that makes up the WALL has been situated within Rasasan territory, between six and 35 meters from the Rasasa-Adawa border, depending upon local terrain. There are no permanent human settlements within 200 meters of the Adawa-Rasasa border.
4. Since January 2018, the WALL has never deployed lethal force. It has on approximately 100 occasions issued verbal warnings and in five instances non-lethal “warning shots.” No injuries are known to have occurred as a result of these measures.

5. The parties to the CHC Treaty, all of whom subsequently became members of the GATT, each duly notified the Treaty to the GATT as a Regional Trade Agreement. These notifications were carried over when the WTO was established in 1995.
6. To the present date, Rasasa has not notified its imposition of tariffs on unprocessed Helian materials to the WTO.
7. On 1 August 2016, both Adawa and Rasasa assigned their rights to the WALL project to RRC.
8. The Pre-Trial Chamber's order of **20 June 2019** consisted of a warrant of arrest and a request for arrest and surrender under Article 89 of the Rome Statute.
9. Minister Grey's appeal was filed on 25 June 2019, and was duly notified to the ICC, consistent with Article 59(5) of the Rome Statute. The denial of the appeal was likewise notified to the ICC, with a statement that "under Adawan law, no further appeal is available to the defendant."