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This is a fictional case intended to enable students to familiarize themselves with the law and practice of the ICC. Participating teams will be divided into three roles: (1) Counsel for the Prosecution which brings this appeal; (2) Common Legal Representative of the Victims, participating under Article 68(3) of the Rome Statute of the International Criminal Court (the

; and (3) Counsel for the Defendant (Lionel Strong). In accordance with the rules of the competition, each team shall write a Memorial for each of these roles, setting forth its legal arguments in the context of the interlocutory appeal by The Prosecutor, challenging the Pre-Trial

Denial of Confirmation of Charges concerning Lionel Strong. Oral arguments shall follow the order set forth above.

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Pursuant to Pre-Trial Chamber X d

appeal the Denial of Confirmation of Charges of 15 May 2023 (reproduced below), the Appeals Chamber seeks submissions of all parties and participants on the following three issues:

a. Whether the Pre-Trial Chamber erred in holding that the ICC lacked jurisdiction over the Defendant

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Pre-Trial Chamber XV of the International Oriminal Court (ICC) renders this decision denying the application of the Prosecution to confirm the charges relating to Defendant Lionel Strong pursuant to Article 61 of the Rome Statute. Mr. Strong, a national of The Republic of Strax (Strax), is accused of committing crimes against humanity and war crimes in the territory of Strax, which was party to the Statute at the time of the acts in question.

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1. This case concerns the destruction of an ancient Tirosh archaeological site and associated artifacts in Srax and the killing of 800 protesters who tried to prevent their destruction on 7-9 June 2021.

of the Statute. That day, the Prosecutor issued a Press Release posted by the Registrar on the website, which stated:

The recently reported destruction of the Tirosh archaeological site and the killing of 800 protesters there may constitute war crimes and crimes against humanity under the Rome Statute of the International Criminal Court. The United Nations Educational, Scientific and Cultural Organization (UNESCO)

1.3. Regardless of the reasons, the Prosecutor did not initiate a formal investigation

become effective. The Pre-Trial Chamber recalls that a preliminary examination is not an investigation

The Pre-Trial Chamber therefore finds that there are no substantial grounds to believe that Lionel 3 rong committed the crime against humanity of persecution under Article 7(1)(h) of the 3 atute.

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3.1. Based on the Report of the court-appointed psychiatric expert, the Pre-Trial Chamber rejects the Defendant is sufficiently fit to stand trial; that Defendant may be faking his amnesia; or that the Defendant may recover his memories if the trial is delayed rather than dismissed.

We are persuaded by Dr. Baleron that Lionel Strong is permanently unfit to stand trial because of his stroke-induced amnesia and therefore terminate the proceedings against him.

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Declines to confirm the charges against Lionel Strong of the Republic of Strax; Declares Lionel Strong unfit to stand trial and terminates the proceedings against him; and Orders the Registrar to notify the parties and participants of this decision.

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I found the arguments of the Prosecution on all three issues persuasive, and I therefore dissent from the Decision of the Pre-Trial Chamber.

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collected their injured and withdrew under cover of darkness on the evening of 9 June 2021. At