

**INTERNATIONAL COURT OF JUSTICE**

# **COMPROMIS**

**BETWEEN THE REPUBLIC OF ALICANTO (APPLICANT)  
AND THE COMMONWEALTH OF RAVISIA (RESPONDENT)  
TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE  
THE DIFFERENCES BETWEEN THE STATES  
CONCERNING “OPERATION PROVIDE SHELTER”**

*jointly notified to the Court on 30 September 2008*

**COUR INTERNATIONALE DE JUSTICE**

# **COMPROMIS**

**ENTRE LA RÉPUBLIQUE D’ALICANTO (DEMANDERESSE)  
ET LE COMMONWEALTH DE RAVISIA (DÉFENDEUR)  
VISANT À SOUMETTRE À LA COUR INTERNATIONALE DE JUSTICE  
LES DIFFÉRENDS QUI OPPOSENT LES DEUX ÉTATS  
EN CE QUI CONCERNE « L’OPÉRATION PROVIDE SHELTER »**

*notifié conjointement à la Cour le 30 septembre 2008*

**JOINT NOTIFICATION  
ADDRESSED TO THE REGISTRAR OF THE COURT:**

The Hague, 30 September 2008

On behalf of the Republic of Alicanto (“the Applicant”) and the Commonwealth of Ravisia (“the Respondent”), in accordance with Article 40(1) of the Statute of the International Court of Justice, we have the honour to transmit to you an original of the Compromis for submission to the International Court of Justice of the Differences between the Applicant and the Respondent Concerning “Operation Provide Shelter,” signed in Chicago, Illinois, USA, on 30 September 2008.

Ambassador of the Republic of Alicanto  
to the Kingdom of The Netherlands

Ambassador of the Commonwealth of Ravisia  
to the Kingdom of The Netherlands

**COMPROMIS**  
**SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE**  
**BY THE REPUBLIC OF ALICANTO AND THE COMMONWEALTH OF RAVISIA**  
**ON THE DIFFERENCES BETWEEN THEM**  
**CONCERNING “OPERATION PROVIDE SHELTER”**

*Alicanto and Ravisia,*

*Considering* that differences have arisen between them concerning “Operation Provide Shelter” and other matters;

*Recognizing* that the Parties concerned have been unable to settle these differences by negotiation;

*Desiring* further to define the issues to be submitted to the International Court of Justice;

*Therefore,* the Parties have concluded the following Compromis:

*Article 1*

The Parties submit the questions contained in the Compromis (together with Clarifications to follow) to the International Court of Justice pursuant to Article 40(1) of the Statute of the Court.

*Article 2*

(a) The Court is requested to decide the Case on the basis of the rules and principles of general international law, as well as any applicable treaties.

(b) The Court is also requested to determine the legal consequences, including the rights and obligations of the Parties, arising from its Judgment on the questions presented in the Case.

*Article 3*

(a) All questions of procedure and rules shall be regulated in accordance with the provisions of the Official Rules of the 2009 Philip C. Jessup International Law Moot Court Competition.

(b) The Parties request the Court to order that the written proceedings should consist of Memorials presented by each of the parties not later than the date set forth in the Official Schedule of the 2009 Philip C. Jessup International Law Moot Court Competition.

*Article 4*

(a) The Parties shall accept any Judgment of the Court as final and binding upon them and shall execute it in its entirety and in good faith.

(b) Immediately after the transmission of any Judgment, the Parties shall enter into negotiations on the modalities for its execution.

In witness whereof, the undersigned, being duly authorized to do so, have signed the present Compromis and have affixed thereto their respective seals of office.

Done in Chicago, Illinois, USA, this 30th day of September 2008, in triplicate in the English language.

Ambassador of the Republic of Alicanto  
to the Kingdom of The Netherlands

Ambassador of the Commonwealth of Ravisia  
to the Kingdom of The Netherlands

# **THE 2009 PHILIP C. JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION**

## **\*\*COMPROMIS\*\***

### **THE REPUBLIC OF ALICANTO V. THE COMMONWEALTH OF RAVISIA**

#### **THE CASE CONCERNING “OPERATION PROVIDE SHELTER”**

1. Before the mid-1950s, Alicanto and its neighboring states were colonies of Ravisia. Ravisia then put in place a plan of gradual decolonialization, and all of its colonies became independent nations. Alicanto’s independence was declared on 29 October 1958.
2. By all accounts, the procedures established by Ravisia to end the colonial era went smoothly. In 1960, Ravisia formed an association of its former colonies and other allies, called “the Ravisian Family of Allied Nations” (R-FAN), which dedicated itself to maintaining political, cultural, and educational links among the sovereign members of the “Family,” and to promoting the institutions of democracy.
3. From 1958 to 2000, relations between Alicanto and Ravisia progressed entirely without negative incident. Ravisian was declared and remains the official language of Alicanto. Alicanto and Ravisia engaged in exchanges of all sorts, including an annual track and field competition between athletes of the two nations that is considered a major event in the calendars of both. Political leaders of Alicanto commonly obtained at least part of their higher education at universities in Ravisia, which provided special scholarships for Alicantan students otherwise unable to afford tuition there.

4. Ravisia has maintained a close economic relationship with Alicanto. The largest enterprises operating in Alicanto are of Ravisian origin, as they have been since colonial times. Individuals and companies of Ravisian nationality hold controlling interests in the Alicantan mineral extraction, light manufacturing, and tourism sectors, the three largest of the Alicantan economy.

5. The people of Alicanto comprise two major groups, the Dasu and the Zavaabi, who together account for 95% of the country's total population. Certain scholars consider the Dasu and Zavaabi to be ethnically distinct, although others defend the position that they are simply different strains of the same ethnic group. Almanacs report that 30% of the population considers itself to be Dasu, about 50% Zavaabi, and 15% "both."

6. Throughout modern history, there has been little record of strife between these two groups: they resemble one another physically, they have intermarried freely, they both espouse the Talonnic religion, and members of each have generally been accepted in the social and civic organizations of the other. Yet, there have been three noticeable and significant differences: (1) the Dasu have occupied most of the mid- and upper-level positions in business and government administration in Alicanto since independence; (2) the Zavaabi have more widely embraced an orthodox interpretation of the Talonnic faith; and (3) the average standard of living of Dasu families in Alicanto has exceeded that of Zavaabi families by a statistically significant margin, according to the International Monetary Fund.

7. The Talonnic holy book, the Canon, dates back sixteen centuries. Among many other things, the orthodox reading of the Canon precludes women from participation in public life, and imposes restrictions on their ability to own property in their own names. It also requires that persons who transgress against any of a series of requirements of the faith, including those who

commit homicide, adultery, and blasphemy, be put to death. Other readings of the Canon interpret these provisions as allegorical. In several countries with majority Talonnic populations, women have been elected to significant political positions, and the death penalty has been abolished.

8. Beginning in the early 1990s, a political group calling itself “the Guardians of the Talonnic Way” began to attract a substantial following among Zavaabi seeking a return to Talonnic orthodoxy. One of the core aims of the Guardians has been the incorporation of orthodox principles of the Canon into the Alicantan legal system. When the economic situation in Alicanto took a downturn in 1995, political support for the Guardians surged. From 1996 to 2004, the Guardians’ representation in the 200-person unicameral Alicantan Parliament increased from three to 66 members.

9. Alicanto’s eastern neighbor, the state of New Benu, is also a former colony of Ravisia and is composed almost entirely of Dasu and Zavaabi. Most of the border shared by the two states is on the Rocian Plateau, a mountainous area settled mostly by Zavaabi. For generations, the Alicantan side of the Plateau has been notorious for harboring smugglers, illegal arms traffickers, and, more recently, a bustling drug trade.

10. The rough terrain of the Rocian Plateau makes effective enforcement of the border difficult, and allows for easy passage of guns and drugs into New Benu. Alicantan law enforcement authorities have regularly conceded their inability to put an end to the rampant lawlessness of the region. In 2000, a major study conducted by Earth Without Frontiers, a non-governmental organization (NGO), concluded that Alicantan authorities were intentionally turning a blind eye to criminal activities in the Rocian Plateau, out of fear that tension would result if the Dasu-dominated national government took action in the majority-Zavaabi region.

11. The government of New Benu, which was also dominated by Dasu, had threatened for years to fortify the portion of the Plateau on its side of the border, and to interdict undocumented travelers crossing under suspicious circumstances. By 2005, New Benu authorities reported that drug trade and gun violence had reached epidemic proportions, prompting the government in March to adopt a zero-tolerance policy with respect to criminal activity in the Rocian Plateau. The New Benu military began to conduct air surveillance to track and prevent the movement of illegal goods across the border.

12. New Benu's zero-tolerance policy was met with violent retaliation by armed groups in the Rocian Plateau. On both sides of the border, battles broke out between the New Benu military and smugglers. Many Zavaabi villagers were caught in the crossfire of these skirmishes. Leaflets widely distributed among the Zavaabi of the Plateau claimed that the Dasu-led government of New Benu was purposely targeting innocent Zavaabi civilians under the guise of cracking down on crime.

13. In May 2005, a New Bennuan surveillance plane in Alicantan airspace was shot down by a surface-to-air missile, killing three crew members and five law enforcement personnel. The bodies of the victims were dragged through villages of the Rocian Plateau by local groups claiming responsibility for bringing down the plane. There were reports of impromptu celebrations among Zavaabi in certain Alicantan villages, and a substantial number of Dasu closed their businesses, shuttered their homes, and fled the Plateau.

14. Alicanto denied allegations of supporting New Benu's border enforcement activities, and protested the unauthorized incursions into Alicantan airspace. In June 2005, citing frustration with what it described as Alicanto's unwillingness to deal with the lawlessness of the Rocian Plateau,

New Benu initiated an air bombing campaign to destroy suspected smuggling enclaves. The campaign lasted three weeks, and resulted in the deaths of approximately 100 Alicantan civilians, mostly Zavaabi.

15. In July, the government of Alicanto presented to Parliament a plan for a negotiated settlement that included ceding 40,000 hectares of territory in the Rocian Plateau to New Benu. The resulting turmoil led to a vote of no confidence. Polls showed that the Zavaabi population was in nearly unanimous opposition to the peace plan. The Guardians criticized the Dasu-majority government for “offering to buy peace with the coin of Zavaabi land.”

16. In August, the Dasu-led government of Alicanto was turned out of office and emergency elections were called. International observers agreed that the elections were free and fair. On 22 September 2005, the people returned a parliament in which the Guardians were the largest party, with 88 seats. Gregory Simurg, the leader of the Guardians, was named Prime Minister. With support from minority parties, the Prime Minister and his new cabinet were narrowly confirmed in office.

17. In October, Prime Minister Simurg proclaimed that he had successfully negotiated the broad terms of a new cease-fire agreement with New Benu, without ceding any territory. On 18 November 2005, in the face of domestic political pressure to enforce the cease-fire, and international concern about the potential for a wider conflict, Simurg and his New Bennuan counterpart requested that the United Nations deploy a peacekeeping force to the Rocian Plateau and its surrounding area.

18. On 8 December 2005, the Security Council unanimously adopted Resolution 5440, authorizing the United Nations Mission Overseeing the Rocian Plateau and Hinterlands

(UNMORPH) to begin operations as of 1 February 2006. The text of the Resolution is attached as Appendix I. Ravisia, citing its historical ties to both Alicanto and New Bennu, immediately volunteered to contribute troops and support personnel to UNMORPH. The number of people and the quantity of resources it volunteered to the effort made Ravisia by far the single largest participant. The Secretary-General appointed Major-General Leila Skylark of the Ravisian Army to head the mission as Special Representative and Force Commander, and concluded a status-of-forces agreement (SOFA) with Alicanto identical to the Model SOFA for United Nations Peacekeeping Operations. The Mission established an operating headquarters in the Rocian Plateau which it named Camp Tara.

19. Throughout 2006 and into 2007, employing both rapid deployment operations and extensive person-to-person negotiations with local leaders, UNMORPH was able to defuse the border dispute without significant further bloodshed. Citing the continuing need for its presence, the Security Council renewed the mandate of UNMORPH for four additional six-month periods through 31 July 2008.

20. Early in its deployment, UNMORPH set up a radio station at Camp Tara, staffed entirely by Ravisian members of the Mission, both to communicate with its own personnel and to provide security information to local communities. Its signal was readily available throughout Alicanto. Broadcast in the Ravisian language, the radio programming eventually expanded to include educational and cultural programs from the U.N. Radio News Service. Much of the content of the programming was by general acknowledgment inconsistent with orthodox teachings of the Talonnic faith. In particular, the station aired discussion programs intended for women and young people, dealing with such topics as reproductive health, access to education, and women's rights. The radio station drew protests from orthodox religious leaders in the Rocian Plateau. Major-General Skylark

issued orders requiring that potentially offensive programming be preceded by warnings to parents and other listeners, to be delivered in Ravisian and also in local dialects. She refused, however, to alter the content of the programs.

21. In October 2007, the conduct of UNMORPH came under criticism when a human rights NGO, the International Legal Standards Alliance (ILSA), headquartered in Geneva, reported a pattern of sexual exploitation by UNMORPH personnel against young girls in the Plateau. This news received global attention, prompting the U.N. Secretary-General to set up a Commission of Inquiry. The Commission concluded that a number of UNMORPH peacekeeping troops had regularly engaged in non-violent sexual relations with local girls while off duty and outside of Camp Tara. The troops referred to these girls as “prostitutes,” and routinely gave them money or food. The Commission found that the average age of the girls was 16, with some as young as 13, and that they had engaged in sexual acts out of hunger, fear, poverty, or all three.

22. In December 2007, Prime Minister Simurg called for UNMORPH to be shut down, arguing that its peacekeeping mandate had been completed, and that its conduct was unacceptably offensive to the cultural and religious life of Alicantans. In public statements, the Prime Minister called Camp Tara “a house of sin,” and “a den of iniquity,” and he referred to UNMORPH personnel as “corrupters of our women and youth.”

23. On 18 February 2008, Major-General Skylark filed a formal report with the Secretary-General, who promptly transmitted it to the Security Council. The report stated, *inter alia*, that:

The border between New Benu and Alicanto is essentially peaceful. All armed detachments have withdrawn to more than five kilometers from the disputed area, under our supervision. They have surrendered their heavy weapons, and we are delighted to report that no shots have been fired in over 90 days. Alicanto has established an armed police presence as well as a network of trial courts in each of the towns

nearest the border, and we believe that this system is working to reduce smuggling and other illegal activities to tolerable levels.

We have created a Joint Border Commission, including representatives of both countries and of our own Command, to address specific issues that may still arise in the Rocian Plateau. We are confident that this Commission will provide an alternative to violence whenever disputes arise in the future over border crossings.

If the situation continues to improve as we envisage, it is our considered opinion that it will be possible to withdraw all troops and to terminate the mandate of UNMORPH on 31 July 2008.

24. On 19 February 2008, the Security Council issued Resolution 6590, which in relevant part, called for “the gradual draw-down of troops and the termination of UNMORPH by 31 July 2008.” By the end of March, almost half of the UNMORPH troops and staff had been removed from Alicanto, with only Ravisian nationals remaining.

25. In March 2008, the Guardian-led local government of the Northeast Province of Alicanto adopted a number of ordinances implementing Talonnic law. One ordinance required married women to obtain the consent of their husbands to register real property in their own names. Another mandated prior approval from provincial authorities before the transmission of any secular radio or television broadcast. Media outlets, including the Dasu Broadcasting Company, which provided news and entertainment to the Dasu community, immediately announced that they would not comply with this order, continuing to air their programs in the Northeast Province without submitting them for approval. Major-General Skylark announced that UNMORPH would also continue to broadcast without applying for prior approval, claiming that such permission was unnecessary under Security Council Resolution 5440 and the SOFA. Provincial authorities promptly shut down the Dasu Broadcasting Company, but took no measures to enforce the ordinance against UNMORPH.

26. Tensions immediately flared between Dasu and Zavaabi groups throughout the Northeast Province. Riots broke out in the Dasu neighborhoods of Melatha, the Province's largest town, some 120 kilometers from Camp Tara. UNMORPH observers who happened to be in the area reported that 35 Dasu demonstrators were killed by armed police in Melatha during the night of 25 April 2008, the eve of the new year's celebration according to the orthodox Talonnic calendar. The Alicantan Interior Ministry, in a press release, confirmed the deaths, but declared that they were the result of out-of-control New Year's Eve celebrations.

27. The national government moved quickly to restore order and called for calm. In his nationally-broadcast New Year's Message of 28 April 2008, Prime Minister Simurg said:

With the birth of this new year, a new day has dawned for the People of Alicanto. With due respect for all of our friends in the international community, and with the greatest gratitude to those who helped to save lives and to restore peace after our recent unpleasantness with New Bennu, my government will now honor the traditions of our faith. I announce today my government's intention to pursue a complete overhaul of the ungodly judicial code inherited from our former colonial masters.

In establishing this New Order, we are doing the Lord's work. We can, therefore, brook no compromise, and while we will respect the rights of those who have not accepted the True Faith, we cannot tarry in our mission, nor can we accommodate their errant ways.

Over the coming days, we will adopt firm measures to combat lawlessness, and we will do so on our own, with no need for the interference of foreign forces. I call upon the Secretary-General of the United Nations to reiterate the commitment of the Force Commander of UNMORPH to leave Alicantan soil no later than 31 July 2008.

28. The announcement was greeted with large-scale celebrations in the mostly Zavaabi parts of Alicanto, but with renewed unrest in areas with mixed Zavaabi and Dasu populations. Pamphlets began to appear throughout the country featuring words excerpted from the Prime Minister's

statement: “We can brook no compromise”; “We cannot tarry in our mission”; and, most frequently, “We are doing the Lord’s work.”

29. For the next four weeks, there were sporadic riots and reports of significant violence throughout Alicanto, especially in the Northeast Province. Although there are no independent confirmations, the medical NGO “Doctors of the World” told the Associated Press on 22 May that it had received reports of hundreds of violent deaths in Melatha and elsewhere in the Province. On 1 June, martial law was declared in the eight largest cities in the Northeast Province, and in four cities in the neighboring Northwest Province. Dasu in the Northeast Province, claiming to fear imminent persecution, began to flee in large numbers across the Rocian Plateau toward New Benu. By 30 June, the Dasu population of the Northeast Province had been reduced by 30%. Doctors of the World reported that the lives of those attempting to cross the remote mountainous region were at risk if humanitarian aid were not put in place immediately. Its statement said that the organization saw the prospect of “ethnic cleansing on a massive scale.”

30. At a regularly-scheduled meeting on 3 July, the Security Council adopted Resolution 6620, attached as Appendix II, which among other things, urged Alicanto “to take immediate steps to improve the humanitarian situation in the Rocian Plateau.”

31. On 4 July, the Permanent Representative of Alicanto to the United Nations submitted a memorandum to the Secretary-General and the President of the Security Council, reading in relevant part as follows:

On behalf of my Government, I can assure Your Excellencies that Alicanto will not be privy to, will not participate in, and will not countenance widespread human rights abuses within its territory. Allegations that ethnic cleansing or any other kind of systematic abuse of any of our minority groups is contemplated or imminent are

defamations of the good name of Alicanto, and we emphatically reject them as untrue and unwarranted.

32. On 7 July, Prime Minister Simurg held a press conference in his official residence, and then boarded a limousine to the airport, intending to fly to a meeting in London. As his car entered the airport grounds, a massive explosion tore apart the vehicle and its security detail. The Prime Minister and five of his aides were killed, along with three bodyguards and two drivers. Shortly afterward, the police announced that they had forensic and other evidence linking the bomb to a theretofore little-known organization called the Dasu Integrity Front. Citing national security grounds, Alicantan authorities refused to make the evidence public. The head of that group was Piccardo Donati, an Alicantan of Dasu heritage. Donati was known to have a criminal record, including convictions for armed robbery, arson, and attempted murder, in cases presenting no apparent political element.

33. The Alicantan National Police began a massive nationwide manhunt for Piccardo Donati. Police reports identifying Donati as the prime suspect also spawned a number of self-proclaimed Zavaabi “defense cadres,” which claimed responsibility for the burning of six Dasu villages in the Rocian Plateau. Earth Without Frontiers observers reported that “thousands” had been killed, and that a new wave of tens of thousands of Dasu, this time from all parts of Alicanto, had fled their homes in apprehension of imminent attack. Earth Without Frontiers also reported that they had evidence of a weapons cache in the Plateau, including sophisticated incendiary devices as well as thousands of mortar rounds, rocket-propelled grenade launchers, and semi-automatic rifles. No organization claimed ownership of the arms, but Earth Without Frontiers and other NGOs in the region were unanimous that they had been smuggled into Alicanto by radical Zavaabi grouplets.

34. On 22 July, the President of Ravisia delivered a televised address to her nation. She announced that her government had collected “extremely reliable intelligence” that led her to conclude that there was “a real and present danger of ethnic cleansing on a massive scale about to occur in Alicanto.” She said that “the recent cold-blooded murder of Prime Minister Simurg gives the world little reason to be confident that the government of Alicanto is able to preserve peace and security within its own borders.” Invoking the memory of prior atrocities that had caused extensive human suffering, she committed all measures at her disposal as President to avoid such consequences. She requested an emergency session of the Security Council to consider two Resolutions proposed by Ravisia: (1) the withdrawal of the Council’s decision to shut down UNMORPH by 31 July, instead extending the mission for another six months and expanding UNMORPH’s mandate to include protection of Alicantans from “the impending ethnic cleansing”; or, in the alternative, (2) the authorization of collective action by Ravisia and the other members of R-FAN, which would volunteer to restore order and protect the citizens of Alicanto.

35. The Ravisian President provided copies of raw intelligence data, which remains highly classified under Ravisian law, to the Secretary-General of the United Nations. Her objective, she stated, was to maintain the presence of an international force in Alicanto “until order is restored, ethnic cleansing is prevented, protection of human rights is guaranteed, and the situation in Alicanto ceases to pose a threat to international peace and security.” She concluded her remarks with these words:

Today, leaders must sometimes act in ways that may not have been acceptable a generation ago. Old notions of sovereignty remain important to the international regime, but they are not its most important value. The most important value is shielding the vulnerable from crimes of catastrophic dimension. Too many tragedies have been allowed to happen because the world community has not recognized this simple truth.

With confidence that I am acting in the best traditions of our nation and in the best interests of all nations, I hereby declare to the world that if the Security Council will not authorize the international intervention that we are proposing, our beloved Ravisia will itself honor its responsibility to protect the good, valiant, and innocent people of Alicanto, to whom history has bound us. I will not shirk that duty: I cannot. I call on all of goodwill to join us in our mission, but we will complete it in any event. That is my solemn vow.

36. The Security Council granted the request for an emergency session and convened in New York on 23 July, at noon. After the first day of debate on the Ravisian Resolutions, the Secretary-General delivered a report to the Security Council, which is attached as Appendix III.

37. The debate lasted through the evening of 24 July. The President of the Security Council called for a vote the next morning, which was broadcast live around the world. The supporters of the Resolutions argued that a crisis was imminent and that Alicanto was powerless to prevent it, while opponents contended that there was no adequate factual basis for what they called an unwarranted military intervention in the internal affairs of a member of the United Nations.

38. The Alicantan and Ravisian Permanent Representatives to the United Nations were invited to speak during the debate. The Alicantan Representative vehemently protested the proposed intervention, as well as the consideration of Ravisian intelligence that had not been publicly disclosed and that Alicanto had no opportunity to address or to rebut. The Alicantan Representative's demand for the data was ruled out of order by the President of the Council. At a press conference later that day, the Secretary-General declared, "I have given my word to the President of Ravisia that I would not divulge the data and I am unwilling to renege on my commitment. I will not reconsider my position unless and until the International Court of Justice declares that delivering this data is legally permissible."

39. The Resolution proposed by Ravisia to extend and expand UNMORPH's mandate was defeated, with ten members voting in favor, and five opposed, of which two were permanent members. The second Resolution was defeated by nine votes in favor and six opposed, including the same two permanent members.

40. On the same day, the Assembly of R-FAN, comprising one representative of each member state, voted to endorse unilateral Ravisian intervention in Alicanto. Seventeen members voted in favor and six abstained from voting. Alicanto cast the only negative vote, and its representative promptly walked out of the session as soon as the result was announced. The Assembly of R-FAN then unanimously adopted a resolution whereby all member states agreed to admit Dasu refugees into their territories. Earth Without Frontiers reported that by 15 September, substantially all of those who fled Alicanto had been resettled in Ravisia, New Benuu, or other member states of R-FAN.

41. On 31 July, the Secretary-General announced the termination of UNMORPH effective midnight local time. The next morning, armed helicopters began to ferry Ravisian special forces, with supplies, into Camp Tara. The Commanding General of the Ravisian Army issued a proclamation declaring the beginning of "Operation Provide Shelter" (OPS). By the following week, Camp Tara housed 6,000 armed Ravisian troops, who remained under the command of Major-General Skylark.

42. The next day, the new Prime Minister of Alicanto, Carl Phoenix, prepared a letter to his Ravisian counterpart, which in relevant part, read as follows:

Your armed invasion of my country is without justification, and without recent precedent among civilized nations. It not only violates the sovereignty of Alicanto, but threatens the entire international legal order. It is inconsistent with every principle that keeps the

international community from descending into chaos. It is also, I must add with great sadness, an act of war. We never expected or deserved such treatment at the hands of a nation with which we have shared so much.

Our government and people will, in the coming days, respond to this unprovoked attack with conviction and integrity. In the meanwhile, we invite the nations of the world to join in what we fully hope will be universal condemnation of this assault on our homeland.

43. Alicanto did not mount any kind of military operation to remove the OPS troops. Requests by Alicanto that the Security Council convene a meeting to discuss the situation were unsuccessful.

44. On 15 August 2008, the Parliament of Alicanto, proclaiming that it intended to honor the memory and policies of Gregory Simurg, by a vote of 102-98 adopted a new Judicial Code entitled “Talonnian Law for our Times.” Two of its chapters, “On Women’s Rights” and “On the Death Penalty,” immediately drew criticism from international human rights organizations, including ILSA. The chapter “On Women’s Rights” provided that local registries would not record ownership of real property or businesses in the names of women, unless they occupied their residences or operated their businesses. By 15 September, hundreds of petitions had been presented to provincial officials seeking to void the titles of Dasu women who had fled Alicanto, on the grounds that their absence forfeited their ownership rights under the new law. Nearly all of these petitions were granted, and the properties were made available to local Zavaabi citizens.

45. Skirmishes broke out in the Northeast Province where there had been violence earlier in the year. OPS troops were transported to the region by helicopter, and they quickly extinguished the uprisings, with little loss of life. According to confirmed reports from the field, Alicantan police did not engage in any enforcement activity of their own, and made no attempt to prevent the OPS forces from intervening.

46. Between 1 August and 30 September 2008, OPS was involved in an average of three operations per week, performing a number of policing functions to confiscate illegal weapons and to break up potential riots in the Northeast Province. Only one of those operations involved substantial casualties: a demonstration organized by local women's organizations, protesting aspects of the Talonnic Law, on 28 August 2008, in which 25 people were reported killed by Alicantan police before OPS troops arrived on the scene.

47. On 21 August, the Alicantan chief of police reported to the public prosecutor that the manhunt for Piccardo Donati had not succeeded. Under provisions of the new Alicantan law, the prosecution began a trial *in absentia*. Donati was represented by the local public defender, a distinguished lawyer with a very successful record of representing accused persons in high-profile cases. Three witnesses testified that they heard Donati plotting with others to commit a "dramatic demonstration of Dasu solidarity." Other witnesses said that they had seen Donati, whom they claimed to recognize, getting out of a small blue van near the airport gates shortly before the explosion. Forensic evidence showed that this van had contained the explosives. The van was registered to a family friend of Donati's, who testified that she regularly allowed him to use it.

48. Although they noted reservations about the fact that the trial was conducted *in absentia*, human rights NGOs monitoring the trial reported that the procedures used were otherwise consistent with governing international norms and that the Public Defender did a commendable job of representing Donati. On 1 September, a panel of three judges returned a verdict declaring Piccardo Donati guilty of eleven counts of murder and sentenced him to death by hanging. An appeal was taken by the Public Defender as permitted by law, but it was rejected in a published opinion. According to Alicantan law, the death penalty imposed on a defendant convicted *in absentia* may be

carried out without a retrial if he or she is apprehended within 12 years of pronouncement of the sentence.

49. On 15 September, the *Frankfurter Allgemeine*, *Asahi Shimbun*, and CNN quoted sources saying that Piccardo Donati had been seen at Camp Tara. Confronted with these reports, Major-General Skylark issued this statement two days later:

I am authorized to confirm that the Alicantan citizen Piccardo Donati has been granted refuge at Camp Tara since earlier this autumn. I will not provide details about how or when he came here. He is under close confinement in our military brig and will remain there until further notice. But I do hereby announce that, so long as I am in command of Operation Provide Shelter, it is my firm intention not to deliver him to the Alicantan authorities for judicial execution, since I am advised by my legal counsel that to do so would be a violation of international law. I have spoken with our President, who fully supports this decision. I do not intend to take questions from the media about my position on this matter.

50. On 17 September 2008, Prime Minister Phoenix sent a diplomatic note to his counterpart in Ravisia, which read in relevant part as follows:

Excellency: My Government has consistently protested in the strongest terms the continued presence of the Ravisian army on the sacred and sovereign territory of Alicanto. As you are well aware, the Security Council decided to shut down the mission of UNMORPH, and Ravisia's efforts to obtain Security Council endorsement of its planned invasion of our country were rebuffed. Nothing in law or fact warrants the further occupation of Alicanto by your army.

Moreover, your armed forces, far from protecting the rights of the people of Alicanto, have meddled in our sovereign affairs, have corrupted the morals of our women and young people, have undermined the integrity of our religious faith, and have interfered with the exercise of judicial functions that are, to use the vernacular expression, none of your business. In this regard, we note the continuation of offensive radio programming that began under UNMORPH.

We reiterate our demand that Ravisia deliver to us immediately the so-called intelligence report that supposedly establishes the imminence of a major human rights violation in our country, so that a candid world may expose these lies for what they are.

Finally, we insist that your armed forces leave the territory of Alicanto immediately, and we reserve all of our rights should they fail to do so. Specifically, I inform you of our intention to pursue legal action against Ravisia before the International Court of Justice, to have your criminal activity condemned before all the world, and to obtain compensation for your unprecedented violations of the sovereignty of another member of the United Nations.

51. The Ravisian Prime Minister replied on 19 September:

Excellency: we seek no confrontation with you or your Government. The temporary presence of our forces has been driven by our responsibility to help avoid a humanitarian disaster, and I would respectfully point out that the absence of large-scale violence in your country since the beginning of Operation Provide Shelter is eloquent testimony to the success of our endeavors.

While Ravisia believes that it has the right to act unilaterally in these circumstances, it is also our view that Operation Provide Shelter is legally justified by Alicanto's failure to comply with Security Council Resolution 6620, and by the Council's invitation to the international community "to remain vigilant and prepared to provide humanitarian assistance" in your country.

We are aware of the intensity of your opposition to the continuation of our activities in Alicanto. Yet all must acknowledge that OPS operations have resulted in a substantial reduction in violence and a decline in the threat of future ethnic cleansing. I am also pleased to report that there have been no credible accusations of sexual exploitation by OPS troops. I can assure you that we will not abandon the people of your country until a functioning government of Alicanto is both willing and able to protect them. Nor will we put our intelligence sources at risk by disclosing the methods by which we have become aware of the seriousness of the situation.

I note, however, with satisfaction your suggestion that this matter be referred to the International Court of Justice for adjudication. Confident in the legal as well as the moral correctness of our position, Ravisia agrees to make a joint submission to the Court, and invites your foreign minister to contact ours to work out the modalities for a peaceful resolution of our dispute.

52. After bilateral negotiations, Alicanto and Ravisia submitted a written application to the Registrar of the Court on 30 September 2008, together with this Compromis. The parties have undertaken to abide by the results of this proceeding.

53. Both nations are members of the United Nations, and are parties to the Vienna Convention on the Law of Treaties, the International Covenant on Civil and Political Rights (but not to the Second Optional Protocol), and the United Nations Convention on the Rights of the Child. Both are parties to the Conventions on the Elimination of All Forms of Racial Discrimination and on the Elimination of All Forms of Discrimination Against Women (CEDAW), although on transmitting its instrument of ratification of CEDAW to the Secretary-General in June 2006, Alicanto appended this Declaration: “The State of Alicanto reserves the right to interpret its obligations under the instant Treaty in conformity with the teachings of the Talonnic faith, and in particular the Canon.” Alicanto and Ravisia are not parties to any other relevant bilateral or multilateral treaty. Neither Alicanto nor Ravisia was a member of the Security Council at any time relevant to this Compromis.

54. Applicant, Alicanto, requests that the Court:

- a. declare that the occupation of Alicantan territory by Ravisian armed forces since 1 August 2008 has been and continues to be a violation of international law, and order Ravisia to remove its military personnel from Alicanto at once;
- b. call upon Ravisia to produce the intelligence that was delivered to the Secretary-General, and if it refuses, deny Ravisia the right to rely on that intelligence directly or indirectly to support the legality of Operation Provide Shelter in international law, or in the alternative,

declare that the Secretary General may lawfully hand over the intelligence to Alicanto;

- c. determine that the conduct of Ravisian soldiers at Camp Tara, including the broadcasting of offensive radio programming and the sexual exploitation of Alicantan children, are violations of international law and of the sovereignty and cultural and religious integrity of Alicanto, attributable to Ravisia, and order Respondent to pay reparations to compensate for the injury to Alicanto's social fabric; and
- d. order Ravisia immediately to deliver to Alicanto the fugitive Piccardo Donati so that his lawful sentence may be carried out.

55. Respondent, Ravisia, requests that the Court:

- a. declare that the presence of the Ravisian military forces in Alicanto has been and continues to be fully justified under international law;
- b. decline to call upon Ravisia to produce its classified intelligence, or in the alternative, decline to afford Alicanto any evidentiary benefit should Ravisia continue to withhold the intelligence, and declare that the Secretary-General may not lawfully hand it over to Alicanto;
- c. find that Ravisia's conduct at Camp Tara at all times has been entirely lawful, and that in any event Ravisia bears no liability for any wrongdoing that may have been committed in the service of the

United Nations, and that no alleged injury to Alicanto is compensable by way of reparations; and

- d. hold that the Alicantan citizen Piccardo Donati need not be repatriated to Alicanto, where he will be subjected to judicial execution in violation of international law.

## Appendix I

S/RES/5440 (2005)

### United Nations Security Council

### Resolution 5440 (2005)

Adopted by the Security Council at its 6001st meeting, on 8 December 2005

The Security Council,

Noting the conflict that has arisen between Alicanto and New Benu in the Rocian Plateau, and welcoming reports of the recent cessation of violence,

Affirming its full support of the cease-fire and the process of achieving a peace agreement, calling on all parties to honour their commitments fully, and assuring the parties of the Council's determination to support their efforts to that end,

Reaffirming its strong commitment to the sovereignty, unity, independence and territorial integrity of Alicanto and New Benu, and expressing its determination to work with the Governments of Alicanto and New Benu toward restoring peace and security,

Taking note in this regard of Alicanto's consent to the establishment of a United Nations peacekeeping mission on the Alicantan side of the Rocian Plateau,

Aware that maintaining the cease-fire and achieving a peace agreement in the Rocian Plateau will be difficult without assistance from the international community, and underlining how important it is for all States concerned, especially those of the region, to cooperate towards that end, and for the United Nations to coordinate the effort,

Noting that stability in the Rocian Plateau remains fragile, and determining that the situation constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides to authorize, for an initial period of six months as of 1 February 2006, with the intention to renew for further six-month periods if necessary, the deployment of a peacekeeping operation in Alicanto, to be known as the United Nations Mission Overseeing the Rocian Plateau and Hinterlands (UNMORPH), pursuant to the mandate specified in paragraph 4 hereafter, in support of and to implement the efforts undertaken by Alicanto and New Benu to restore international peace and security;

2. Decides that UNMORPH will be headed by a Special Representative of the Secretary-General, who as Force Commander will direct the operations of UNMORPH and coordinate all United Nations activities in Alicanto;

3. Decides further that UNMORPH shall consist of a maximum of 2,000 military personnel, including 200 observers and 200 staff officers, and up to 100 civilian police personnel;

4. Authorizes UNMORPH to use all necessary means to carry out its mandate in the areas where its armed units are deployed, and in appropriate coordination with humanitarian and development organizations:

- to ensure respect of the cease-fire agreement, through monitoring of its implementation and investigation of its violations,
- to carry out the disarmament and demobilization of the various militant groups,
- to verify the reduction and removal of New Bennuan troops from the Alicantan side of the Rocian Plateau,
- to monitor the border between Alicanto and New Bennu, including to the extent possible, the illegal flow of arms across the border from Alicanto to New Bennu,
- to contribute to the creation of the necessary security conditions for the provision of humanitarian assistance,
- to contribute to the successful completion of the peace process,
- without prejudice to the responsibility of the Alicantan Government, to protect civilians under imminent threat of physical violence, and
- to ensure the protection of United Nations personnel, facilities, installations and equipment;

5. Requests that Alicanto conclude a status-of-forces agreement for UNMORPH with the Secretary-General within 30 days of the adoption of this Resolution, and notes that, pending the conclusion of such an agreement, the model status-of-forces agreement for peacekeeping operations of 9 October 1990 (A/45/594) shall apply provisionally;

6. Underlines the need for UNMORPH to have at its disposal an effective public information capacity, including radio transmission facilities of local and national reach, to promote understanding of the peace process and the role of UNMORPH among affected parties, to disseminate information regarding the security situation in the region, and to encourage the progressive development of the various communities in Alicanto;

7. Requests the Secretary-General to keep it informed on a regular basis of developments in the situation in the Rocian Plateau; and

8. Decides to remain actively seized of the matter.

## Appendix II

S/RES/6620 (2008)

### United Nations Security Council

### Resolution 6620 (2008)

Adopted by the Security Council at its 7000th meeting, on 10 July 2008

The Security Council,

Noting that fighting between Alicanto and New Bennu has abated and that significant progress has been achieved in restoring peace and order to the Rocian Plateau,

Recalling its resolutions 5440 of 8 December 2005 and 6590 of 19 February 2008,

Commending the valuable contribution that the United Nations Mission Overseeing the Rocian Plateau and Hinterlands has made to the restoration of peace and security,

Affirming the commitment of all Member States to respect the sovereignty, political independence and territorial integrity of both Alicanto and New Bennu,

Gravely concerned that there are confirmed reports of new violence, including most recently in Dasu-populated areas, which has led to a massive flow of refugees towards the dangerous international frontier between Alicanto and New Bennu,

Deeply disturbed by the continuing violence, and the threat of impending large-scale human suffering, and emphasizing the need to prevent this from happening,

Affirming that the unresolved situation in Alicanto constitutes a continuing threat to peace and security in the region,

1. Reminds Alicanto that it has primary responsibility for establishing security within its borders;
2. Urges Alicanto to take immediate steps to improve the humanitarian situation in the Rocian Plateau and to avert additional widespread suffering;
3. Stresses the urgent need for the leadership of the constituent groups of Alicanto to enter immediately into a meaningful dialogue to establish a timetable leading to an end of hostilities and a negotiated political solution that recognizes and respects the human rights of all Alicantan citizens;
4. Insists that Alicanto allow immediate access by international humanitarian organizations to all those in need of assistance;

5. Reminds all Member States that unrest in Alicanto continues to undermine the stability of the region, and that each of them should remain vigilant and prepared to provide humanitarian assistance and to promote an environment of peace and security;

6. Requests the Secretary-General to continue to keep the Security Council closely informed of the situation in Alicanto, and expresses its readiness, if the situation further deteriorates, to consider further measures; and

7. Decides to remain seized of the matter.

## Appendix III

### Report of the Secretary-General Pursuant to Security Council Resolutions 5440 and 6620

Date: 23 July 2008

#### EVENTS IN ALICANTO

1. In March 2008, tension arose between the Dasu and Zavaabi populations of Alicanto. The tension appears to have been fomented by an effort by the Zavaabi-led government to incorporate the orthodox religious beliefs of the Zavaabi people into the local and national laws of Alicanto, which encountered significant resistance among the Dasu.
2. At first, violence was sporadic and limited to few casualties and a small geographic area. However, as the legislative reforms continued, the violence became worse, spreading from a few cities to entire regions of Alicanto, and the number of victims grew exponentially.
3. On 7 July 2008, the Prime Minister of Alicanto, a Zavaabi, was killed apparently by a lone assassin.
4. This tragic incident and the government's response set off a torrent of violence, mainly in the Northeast and Northwest Provinces of Alicanto, with the heaviest casualties in the city of Melatha. Large numbers of Dasu in the Northeast Province have fled their homes to seek refuge in New Benuu.
5. The President of Ravisia has submitted to the Secretary-General Ravisian intelligence reports suggesting that there is "a real and imminent threat of ethnic cleansing" in Alicanto. According to this report, heavy shipments of arms have been observed being delivered to known strategic strongholds of different militant groups. In addition, communications have been intercepted indicating an impending coordinated attack by Zavaabi militias targeting Dasu civilians. Although my office has not been able to confirm this specific intelligence, the information appears to be reliable.

#### UNMORPH OBSERVATIONS

6. Much of the information gathered to produce this report was generated by UNMORPH personnel on the ground in Alicanto. The dedicated men and women of UNMORPH have performed courageously in dangerous circumstances, and express willingness and resolve to maintain their current position to help restore peace and security in Alicanto.
7. The UNMORPH Special Representative and Force Commander, Major-General Leila Skylark of the Ravisian National Army, has a high level of expertise and knowledge about the social, cultural, and political history of Alicanto. Given her expertise and position on the ground, she is uniquely qualified to gauge the gravity of the situation. According to Major-General Skylark, the violence between the groups appears to be escalating.

## EFFORTS BY ALICANTAN GOVERNMENT

8. The only action taken by the Government to quell the sectarian violence appears to be the declaration of martial law in the Northeast and Northwest Provinces. Far from being enough to restore peace, that measure appears to have worsened the situation.
9. The Secretary-General has made multiple attempts to initiate a dialogue with the Alicantan Government to assist in the implementation of Security Council Resolution 6620, but all efforts have failed. The Alicantan Government has not been responsive.

## OBSERVATIONS

10. I regretfully conclude that there is no prospect for cessation of violence in the near term absent intervention. Quite the opposite, I conclude that there is a probability that violence will intensify. In light of the specific evidence of the highly-classified Ravisian intelligence report, as well the observations of the UNMORPH Special Representative and Force Commander, and information provided by our own sources in the field, I am persuaded to a high level of certainty that a campaign of systematic violence against Dasu civilians is being planned.
11. The situation in Alicanto remains highly unstable and insecure. Armed militias and other disruptive elements are operating freely in the Northeast Province, and the lawlessness appears to be spreading to the Northwest Province.
12. A variety of factors make a conclusive assessment of the humanitarian situation in Alicanto impossible. However, reports indicate that thousands of Dasu civilians have been displaced. Seeking refuge in New Benu, these individuals have undertaken passage through the dangerous mountains near the border between the two countries. Given the fighting and the harsh terrain, it is certain that their need for emergency food and medical assistance will go unmet. It is vital that the basic humanitarian needs of these populations be addressed as soon as possible.
13. In this connection, I should report that the General Assembly of the Ravisian Family of Allied Nations (R-FAN) and numerous non-governmental organizations have called on me in the past week with pleas for action to bring an end to the chaos in Alicanto and to prevent the violence from spreading.

## RECOMMENDATION

14. While the chances for a lasting peace are fundamentally in the hands of the Alicantan government and the political and military leaders of the disputing groups in Alicanto, the international community cannot ignore the signs of impending atrocities. I therefore recommend that urgent and effective means of action be considered by the Council, with specific attention given to the following two options to restore peace and security in Alicanto, as well as to establish safe conditions for the provision of humanitarian aid, especially to Dasu refugees:

- a. The extension of UNMORPH's mandate for another six months, with the necessary expansion of its scope; or
- b. The delegation of Chapter VII authority to a multilateral operation, authorizing R-FAN to carry out these operations.

15. I express my deep sympathy to the Dasu and Zavaabi families who have lost lives and homes in these sad times for their country. I also extend my high commendation to the personnel of UNMORPH, in particular my Special Representative and Force Commander, Major-General Skylark, for the selfless and courageous dedication with which they have devoted themselves to the objectives of the United Nations in extremely hazardous circumstances.