

INTERNATIONAL COURT OF JUSTICE

SPECIAL AGREEMENT

**BETWEEN THE DOMINION OF ALEKOSTRIA (APPLICANT)
AND THE REPUBLIC OF RESTOVIA (RESPONDENT)
TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE
THE DIFFERENCES BETWEEN THE PARTIES
CONCERNING THE GORDIAN GORGE**

jointly notified to the Court on 15 September 2025

COUR INTERNATIONALE DE JUSTICE

COMPROMIS

**ENTRE LE DOMINION D’ALEKOSTRIA (DEMANDEUR)
ET LA RÉPUBLIQUE DU RESTOVIA (DÉFENDERESSE)
VISANT À SOUMETTRE À LA COUR INTERNATIONALE DE JUSTICE
LES DIVERGENCES QUI OPPOSENT LES DEUX PARTIES
CONCERNANT LA GORGE GORDIENNE**

notifié conjointement à la Cour le 15 septembre 2025

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

The Hague, 15 September 2025

On behalf of Applicant, the Dominion of Alekostria, and Respondent, the Republic of Restovia, in accordance with Article 40(1) of the Statute of the International Court of Justice, we have the honor to transmit to you for submission to the Court an original of the Special Agreement on the Differences between the Applicant and the Respondent concerning the Gordian Gorge, signed in The Hague, The Netherlands, on the twelfth day of September in the year two thousand twenty-five.

(Signed)
His Excellency Russell Rothstein
Ambassador of the Dominion of Alekostria
to the Kingdom of the Netherlands

(Signed)
Her Excellency Donika Piers
Ambassador of the Republic of Restovia
to the Kingdom of the Netherlands

SPECIAL AGREEMENT

SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE BY THE DOMINION OF ALEKOSTRIA AND THE REPUBLIC OF RESTOVIA ON THE DIFFERENCES BETWEEN THEM CONCERNING THE GORDIAN GORGE

The Dominion of Alekostria (“Applicant”) and the Republic of Restovia (“Respondent”) (hereinafter “the Parties”);

Considering that differences have arisen between them concerning the Gordian Gorge and other matters;

Recognizing that the Parties have been unable to resolve these differences by means of negotiation;

Desiring further to define the issues to be submitted to the International Court of Justice (“the Court”) for resolution;

Have concluded this Special Agreement:

Article 1

The Parties submit the questions contained in the Special Agreement (together with Corrections and Clarifications to follow) (“the Case”) to the Court pursuant to Article 40(1) of its Statute.

Article 2

The Parties agree that the Dominion of Alekostria shall appear as Applicant and the Republic of Restovia as Respondent, but such agreement is without prejudice to any question of the burden of proof.

Article 3

The rules and principles of international law applicable to the dispute, on the basis of which the Court is requested to decide the Case, are those referred to in Article 38, paragraph 1, of the Statute of the Court.

Article 4

- (a) All questions of procedure and rules shall be resolved in accordance with the provisions of the Official Rules of the 2026 Philip C. Jessup International Law Moot Court Competition.
- (b) The Parties request the Court to order that the written proceedings should consist of one round of written Memorials presented by each Party not later than the date set forth in the Official Schedule of the 2026 Philip C. Jessup International Law Moot Court Competition.

Article 5

- (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, have signed the present Special Agreement and have affixed thereto their respective seals of office.

Done in The Hague, The Netherlands, this twelfth day of September in the year two thousand twenty-five, in triplicate in the English language.

(Signed)
BREANNA LANG
Minister of Foreign Relations
Dominion of Alekostria

(Signed)
ANGELA ZERJAL
Minister of Foreign Affairs
Republic of Restovia

CASE CONCERNING THE GORDIAN GORGE

STATEMENT OF AGREED FACTS

Alekostria / Restovia

1. Archaeologists have determined that Pilemo, a large southern hemisphere island in the Gulf of Sollania, has been continuously inhabited by humans for at least 40,000 years. According to oral history and contemporary anthropologists, the social and economic activity of the people indigenous to the island, known as the Pilemons, was organized at the village level. The villages lived and interacted under a governance structure centered on Pilemons' customary law and related spiritual beliefs. Each village was led by an Elder, whose authority was both spiritual and political.
2. Of central importance to Pilemon spirituality is the Torngat Plateau, a flat expanse in Pilemo's central Balor Mountains. The Pilemons' story of their origin starts at the Plateau, an area where their major religious ceremonies have been conducted for centuries. The Gordian Gorge, in the northwest corner of the Torngat Plateau, was a particularly sacred place where Elders have received their years-long spiritual training in privacy from the outside world.
3. Explorers from two European colonial powers first arrived in Pilemo in the late 16th century. At that time, the Indigenous Pilemons on the island numbered more than 300,000. Their permanent settlements consisted mostly of pastoral lowland villages, ranging from a few hundred inhabitants to nearly 20,000.
4. In 1592, the colonial powers agreed to divide the island along a line of latitude roughly halfway between the north and south coasts. In establishing settlements and beginning to export natural resources, they encountered little resistance from the Pilemons, who had neither weapons nor training in warfare. Because of its relative inaccessibility, the colonists made no effort to establish dominion over the Torngat Plateau. Nevertheless, with the introduction of non-native diseases as well as the displacement of numerous villages, the Pilemon population had dwindled to less than 100,000 by 1675.
5. Faced with increasing colonialist incursions, in the winter of 1698, the Pilemon Elders met at the Gordian Gorge, and most of them decided to relocate their villages from the lowlands to the Plateau. In the months that followed, more than 60,000 men, women, and children from the north and south left their villages and, with their belongings and livestock, made the trek to the Plateau and resumed their way of life in their new environs.
6. Twenty Elders dissented, opposing the move on the grounds that the Plateau must remain a place of pilgrimage and sacrament, not habitation. In what Pilemon tradition calls "The Crossing," they led their villagers on a migration to a nearby, then-uninhabited island, known as Isla Sollania, where they continued their traditional way of life over the following generations. Due to the island's proximity to Pilemo, those who wished to do so were able to visit the Plateau.

7. Interactions between the European colonists and the Pilemon residents of the Plateau were scarce until the mid-19th century, when multi-year droughts forced nearly all of the Pilemons to return to the lowlands north and south of the Balor Mountains. Today, only a small number remain on the Plateau.

8. Alekostria, in the northern half of Pilemo, and Restovia, in the southern half, gained independence from their respective colonial powers in 1888. The boundary agreed by the two new states followed the Balor Mountains range, placing the Torngat Plateau entirely within the territory of Restovia.

9. Today, the Dominion of Alekostria is a developed state with an area of 76,000 square kilometers. It is a parliamentary democracy headed by a Prime Minister. Its population as of 2022 was 4.1 million, of whom approximately 100,000 are Indigenous Pilemons.

10. The Republic of Restovia is a developed state led by a President and an elected legislature. As of 2021, it had a population of about five million people, of whom approximately 75,000 are Indigenous Pilemons. Its land area is 84,000 square kilometers. Restovia has imposed no impediments to access to the Torngat Plateau for the Pilemon ceremonies or for the training of Elders there, and it has permitted entry to pilgrims from Alekostria and Sollania.

11. In both countries, many Pilemons live in remote, largely self-contained villages that are not easily accessible by road, and that are far from the nearest hospitals, airports, and other public services. Most lack reliable telephone service and high-speed internet access.

12. The governments of Alekostria and Restovia recognize the roles of Elders in local governance. In Alekostria, statutes formally incorporated Elders into the state's administrative structure as "community leaders," allowing them authority over religious, cultural, and social affairs, and resolving local disputes in accordance with Pilemon customary law. In the 1990s, the Elders in Alekostria created a Council, which meets twice annually to discuss matters of importance to the Pilemon inhabitants of the country. Restovian Elders continue to exercise functions according to Pilemon custom, with their authority acknowledged and respected in practice by local officials, but without recognition by the national code of laws.

13. By 1950, the population of Isla Sollania had increased to more than 200,000, 95 percent of whom claimed descent from the families that made The Crossing. In that year, the Elders proclaimed the Union of Sollania a sovereign state, and promulgated a constitution that established, according to its preamble, "a society living in accordance with Pilemon customary laws and spiritual teachings handed down since the time of our creation."

14. In 1965, Alekostria and Restovia concluded an Extradition Treaty. Article 4 reads:

Each Contracting Party undertakes to surrender to the other, in accordance with the provisions of the present Treaty, any person who is sought by the requesting State for prosecution for an offence punishable under the laws of both Parties, provided

that, at the time of the extradition request, the proposed judicial process and any sanction to be carried out by the requesting State is consistent with the general principles of law recognized by civilized nations, as that term is used in Article 38(1)(c) of the Statute of the International Court of Justice.

15. Throughout the 1960s, a number of Sollanian Pilemons returning from Restovia reported concerns to their government about over-commercialization of the Plateau. In 1971, the Sollanian government invited representatives of Alekostria and Restovia to a conference to discuss the Plateau, and to ensure that the common interests of their Pilemon populations were adequately protected. In particular, Sollania stated that, although its citizens had not encountered any significant obstacles in visiting the Torngat Plateau, it hoped to secure from Restovia “a durable and enforceable assurance” that access would never be limited. Also concerned about “the protection and preservation of the sacred places of the area,” Sollania proposed the creation of a trilateral fund to ensure that “the natural and spiritual environment” of the Plateau would always be respected.

16. In accepting the invitation, the Alekostrian Minister of Foreign Relations announced that her government agreed in principle with both objectives: the enshrinement in a treaty of the right of access to the Plateau, and the establishment of a cooperative mechanism to protect the area. Her statement concluded, “Given that the Torngat Plateau lies within the territory of Restovia but is venerated in all three countries, it is only fair that all Pilemons should have the benefit of access to it, and therefore Elders from all three should share responsibility for its management.”

17. As the discussions proceeded, it became apparent that Restovia was prepared to agree on access, but balked at the idea of ceding authority to the Elders, which it saw as an infringement of its sovereignty. Instead, Restovia proposed a looser arrangement by which Pilemon Elders in the three countries would be consulted in the event of any plan that could have a significant impact on the sacred places in the Torngat Plateau. Alekostria was satisfied with that outcome. Sollania, on the other hand, indicated that while it was willing to accept the Restovian offer in the short run, it hoped to continue negotiations to reach a more comprehensive agreement that would increase the influence of Sollanian Pilemons in long-term decision-making concerning the Plateau.

18. At the conclusion of the conference, the parties decided that Restovia would enter into a bilateral treaty with each of the other two parties. The Alekostria-Restovia Plateau Agreement (ARPA) and the Sollania-Restovia Plateau Agreement (SRPA) entered into force on 1 November 1972. The treaties contained, among others, the following common articles:

Article 17

The High Contracting Parties agree to take all steps within their jurisdiction and control to ensure that the Pilemon people, regardless of nationality, have the right of access to the Torngat Plateau.

Article 18

Restovia agrees to ensure that duly authorized representatives of the Pilemon communities in both High Contracting Parties are included in decision-making before it makes any substantial change to the condition of the Plateau as of the effective date of this Treaty.

19. Almost five decades later, desiring to have a better understanding of its available natural resources, in October 2019, Restovia commissioned a comprehensive set of hyperspectral images of its territory. The images, which were delivered to the government in July 2020, indicated a massive deposit of rare earth oxides at shallow depths in the Gordian Gorge.

20. On 1 October 2020, the Restovian Parliament adopted a resolution directing the government to develop a plan to exploit the deposits. The preamble to that resolution cited the unexpected discovery as “of urgent and paramount importance to national security in the 21st century,” and as the potential source of a major economic benefit to the country. Just over three months later, the Ministry of Natural Resources announced that it would accept bids from domestic and foreign companies for licenses to mine the rare earth oxides in the Torngat Plateau “in accordance with all laws governing the extraction of mineral resources in these circumstances.” In particular, the announcement required bidders to include “a description of how [they] will protect the integrity of and access to sites of significance to the Pilemon people, as required by Restovia’s obligations under ARPA and SRPA.” It also required bidders to commit to “efforts to restore the mining sites and to repair completely any and all environmental or cultural damage caused by [their] operations ... the details of such repair to be developed in cooperation with Pilemon Elders in Restovia.” Non-Restovian bidders were also required to obtain a certification from the Ministry of Foreign Affairs confirming that their participation in the project was consistent with the country’s national security.

21. A second announcement a few days later established an “Indigenous Consultation Mechanism” (ICM) according to which all Pilemon Elders would be invited “to offer advice and recommendations” as the contract award process went forward. The ICM provided that any Elders who wished to do so would be given copies of the proposals and technical materials, could submit written comments, and would be invited to attend meetings with the bidders and with relevant government officials. Any views expressed by the Elders were to be “taken into due consideration” by Restovian authorities when reviewing bids. This second announcement was posted on official Restovian websites, was communicated to the governments of Alekostria and Sollania, and was sent by mail to the Elders in every Pilemon village throughout Restovia. Sollania’s ambassador to Restovia responded to press reports, in a *note verbale* dated 11 December 2020, indicating that not a single one of Sollania’s Elders had any intention of participating in the ICM, which she described as “in furtherance of a profanity.”

22. On 18 December 2020, the Council of Elders of Alekostria issued a *communiqué* denouncing the proposed mining initiative as a “sacrilegious assault upon the spiritual heart of our

people” and declaring that “no economic advantage can justify compromising the sanctity of the Gordian Gorge.” It demanded that all preparatory activities, including the tender process, be suspended pending a response from the Restovian government to “the urgent concerns of our People.” Several members of the Council, however, declined to endorse the statement, and through a representative suggested that “carefully regulated development of the Plateau” might be acceptable as “compatible with Pilemon tradition and beliefs,” so long as the sacred places themselves remained intact.

23. On 25 January 2021, Sollania’s Ministry of External Affairs delivered a second *note verbale* to the Restovian Embassy, asserting that “any unilateral decision by Restovia to exploit the Torngat Plateau without the free, prior, and informed consent of all Pilemon peoples would be a violation of Restovia’s obligations under ARPA, SRPA, and customary international law, and would desecrate the fundamental tenets of Pilemon customary law and spiritual beliefs.” The Sollanian government endorsed the Alekostrian Elders’ call for an immediate moratorium on any activities related to the proposed project.

24. The National Extraction Company of Alekostria (NEXCA) was created by an Act of Parliament. It is registered as a corporation under Alekostrian law, with all of its shares held by the government. NEXCA requires Parliamentary authorization to engage in any specific mining projects. Whenever NEXCA’s governing body wishes to undertake a project in a foreign country, the statute requires that the Minister of Foreign Relations first issue a determination confirming that the project is consistent with Alekostria’s foreign policy objectives. Since its founding in 1974, NEXCA has engaged in mining operations both in Alekostria and abroad.

25. The Alekostrian Minister of Mining, *ex officio*, is the President and Chair of NEXCA’s Board of Directors. The other six members of the Board are appointed by the Prime Minister. At all relevant times, one of those members was Albert Ramaan, a Member of the Alekostrian Parliament, and a Pilemon Elder who is a widely respected publicist in print, television, and internet media on Pilemon law and culture.

26. In March 2021, the Minister of Mining, in testimony before the Alekostrian Parliament, noted the lack of rare earth minerals in the country’s territory and observed that such materials were “increasingly important in existing and emerging industries.” He requested a resolution authorizing NEXCA to submit a bid for a license to mine the Restovian minerals and urging the Minister of Foreign Relations to approve such a bid as consistent with Alekostria’s national security and foreign policy. The resolution was passed overwhelmingly in Parliament by voice vote. It required NEXCA to ensure that its activities in the Gorge were consistent with Alekostria’s obligations under ARPA. On 2 April 2021, the Minister of Foreign Relations issued the requested authorization for the foreign project.

27. On 5 August 2021, NEXCA submitted to the Restovian Ministry of Natural Resources a timely bid for mining rights in the Gordian Gorge. In its accompanying Detailed Project Report (DPR), it indicated that all mining and business operations would be supervised by Liz Scott, an

Alekostrian national and a senior manager at NEXCA, who would report directly to the NEXCA Board. The DPR indicated Ms. Scott did not hold any government position and was not authorized to make policy decisions. It also acknowledged that, as a foreign state-owned enterprise, NEXCA was required to apply for a national security clearance, which it promptly did. NEXCA also undertook to limit its exploratory and mining activities, insofar as possible, to protect Pilemon access to and the integrity of sites of religious significance as required under ARPA.

28. Ms. Scott filed NEXCA's national security application with the Restovian Ministry of Foreign Affairs on 1 November 2021. A review was conducted under the supervision of Mr. Ted Moore, Deputy Director of Industrial Cooperation at the Ministry. After several requests for additional documentation and three meetings with Ms. Scott, Mr. Moore reported to the Minister that the proposed NEXCA project met all requirements and recommended that the clearance be issued. NEXCA received the final approval on 1 June 2022.

29. In July 2022, the Restovian Ministry of Natural Resources announced that NEXCA and two private Restovian companies had been named finalists following successful completion of environmental impact assessments audited by an independent and internationally respected firm. After a series of ten presentations open to the public, the bidders were invited to three face-to-face and two online forums with Pilemon Elders from Alekostria and Restovia in August and September. To facilitate the Elders' participation, the Ministry posted copies of the three DPRs to its public website, each consisting of more than a thousand pages of highly technical language and data, and hundreds of maps, charts, and other information. In addition, the Ministry provided synopses of each of the three finalist bid packages, and a toll-free telephone hotline, staffed by technical advisers to the Ministry, for the Elders to call if they still had questions. Call logs indicate that the hotline was utilized 61 times over the next three months.

30. Each forum lasted about six hours and involved representatives of the three bidders and the Minister. Around 60 percent of the Elders from Alekostria and Restovia (200 individuals in all) attended at least one of the forums. Citing what he perceived as a conflict of interest due to his status, Elder Albert Ramaan did not attend any of the meetings. According to transcripts, each forum started with brief remarks by the Minister of Natural Resources on the strategic importance of critical minerals and the consequent importance of this project, followed by presentations of approximately one hour by each finalist bidder. At the end of each meeting, about an hour and a half was reserved for comments and questions from the Elders. At most of the sessions, the Minister was present only for the initial speech, but lower-level Ministry staff recorded notes of the proceedings throughout the day.

31. Individual Elders proposed several safeguards, mostly related to the use of explosives and construction of roads in the Gorge. These recommendations were accepted and incorporated by all three bidders into revised DPRs, which they submitted in October and November 2022.

32. Following the meetings, an authorized spokesperson informed the media that 120 of the 200 Elders who attended supported NEXCA's bid, reasoning that its methods would have the least

short-term and long-term impact on the Gorge. They also said that they “found reassurance” that their colleague, Elder Albert Ramaan, served on NEXCA’s Board. Those Elders disfavored the other two proposals because they were perceived as involving more potentially destructive extraction methods and did not commit to the presence of Pilemon observers on-site during the work.

33. Nearly all of the other Elders who attended the meetings opposed the project in principle. They argued that the entire Torngat Plateau belonged to the Pilemons as an Indigenous People by virtue of traditional use and ownership.

34. Just after the forums concluded, the President of Sollania gave an address to the legislative assembly denouncing the Gordian Gorge project. He said, in relevant part:

International law prohibits intrusion upon the traditional lands and the sacred places of Indigenous Peoples. The colonial legacy, to the extent that it tolerated the systematic abuse of the Pilemon, and of our brothers and sisters in other Indigenous communities around the world, has receded into the mists of history. Addressing the current threat to our heritage, what is moral, and what is legal, is very simple: Restovia cannot tear apart the most sacred of Pilemon places. Moreover, it cannot in any way affect our spiritual connections with those places without the consent of all Pilemon people, which it does not have and which it cannot get. No matter that a few assimilated Elders on the island of Pilemo have agreed to accept the proposed sacrilege: we, here in Sollania, true to our laws and beliefs, will continue to denounce it. It is not moral. It is not legal. When we meet again on the plundered Gordian Gorge in the end-times, our forefathers will demand to know what we did to stop this from happening. And I hope we are all prepared to have that conversation with them.

35. The Ministry of Natural Resources invited the three finalist bidders to conduct surveys of the Gorge during January and February 2023 to confirm cost estimates. NEXCA opted to use a one-ton semi-autonomous robotic vehicle (SARV) of its own design to carry out its survey. This vehicle was transported to the Plateau and deployed to map various promising locations using its on-board ground-penetrating radar and electromagnetic sensors. When it was switched on, it moved slowly over the rough terrain, as anticipated, stopping every few meters to take and transmit readings.

36. At approximately 2:05 p.m. on 3 February 2023, the SARV abruptly and without warning accelerated to 100 kilometers per hour and traveled over seven thousand meters on a northeasterly course over the next five minutes. It crashed through a safety fence that the Ministry had erected around the prospective mining areas and struck and killed Domingo Montoya, a security guard of Restovian nationality. The vehicle rolled from the impact, careening down a hill before it smashed into the supporting pillars of the Torngat Pedestrian Bridge, which it rendered unusable for weeks, interfering with access to the Plateau.

37. NEXCA notified the Restovian Ministry of Natural Resources less than 15 minutes after it became aware that the SARV was not transmitting data, and the Ministry dispatched emergency services to the site. They arrived after the vehicle had come to a halt and began to assess the damage. The next day, the Singaporean daily newspaper *The Straits Times*, which had a journalist in the area, reported:

Following yesterday's officially unexplained crash in the Gordian Gorge, sources in the Alekostrian Ministry of Mining are informing the media that the malfunctioning of the NEXCA vehicle was caused by a malware attack of unknown origin. Today the Restovian Police announced that it had invited the Alekostrian authorities to join in a joint cybercriminal taskforce, to be called the Interjurisdictional Legal and Security Agency (ILSA), to determine the cause of the incident and to produce a full report. All survey activities at the Gorge have been paused until further notice.

38. ILSA conducted its investigation over the next two months. Its report dated 18 April 2023 concluded that the computer network at NEXCA headquarters in Alekostria had been compromised by a previously unknown malware, which triggered the shutdown of several distinct components of the NEXCA network in Alekostria. These included the systems responsible for the remote command and monitoring of the SARV. As a result, the vehicle received incomplete commands from human operators at NEXCA headquarters, who were then unable to monitor or control it. ILSA determined that "the malware breach was made possible by NEXCA's failure to change default passwords on multiple servers and devices, as well as to properly compartmentalize off-site industrial assets from its internet-facing infrastructure." The report concluded that "each of these failures, which took place in NEXCA's headquarters in Alekostria, resulted solely and directly from negligence on the part of NEXCA." ILSA was unable to ascertain the source of the malware.

39. Following the release of the ILSA report, the Alekostrian Minister of Mining met with his Restovian counterpart. He acknowledged that NEXCA had failed to provide adequate protection for the integrity of the Gorge and to adhere to industry standards governing the security of network infrastructure. He recognized and apologized for the harm this caused to Restovia and expressed condolences to the family and colleagues of the security guard who had been killed.

40. On 9 May 2023, Restovian police announced that Ted Moore had been arrested and charged with corruption, embezzlement, and misuse of public office. Citing audio recordings of his three meetings with Liz Scott between November 2021 and May 2022 that were lawfully conducted by prosecutors under Restovian laws, the charging document alleged that Mr. Moore had solicited and received from Ms. Scott facilitation payments equivalent to €150,000 to expedite the national security approval in connection with the Gordian Gorge project. His trial has been postponed numerous times and is currently scheduled for May 2026.

41. On 15 June 2023, Alekostrian authorities requested and received a certified copy of the audio recordings pursuant to a mutual legal assistance treaty between the two countries. The Alekostrian Ministry of Justice announced on 12 July 2023 that Ms. Scott had been arrested and charged under a statute that criminalizes “promising, offering, or providing to a foreign public official, directly or indirectly, any payment, gift, or thing of value in order to influence that official in the execution of his or her duties.” The statute carries a maximum penalty of imprisonment for 10 years.

42. Ms. Scott was tried in Alekostrian Criminal Court. Although a subpoena was issued to Mr. Moore – the alleged recipient of the payment – he declined to appear, citing his own prosecution and his right against potential self-incrimination. While Ms. Scott denied ever offering or making the payments, her legal team moved to dismiss the charges on the grounds that, at the time of her arrest, the police failed to provide her with the legally required notice of her right to remain silent. On 1 September 2023, after four hours of deliberation, the jury returned a guilty verdict. Ms. Scott immediately appealed.

43. After full briefing and oral argument, a three-judge panel of the Court of Appeal entered its judgment on 19 December 2023, vacating the conviction. The Court held, in relevant part:

The activity for which Ms. Scott was convicted was tawdry and improper. But our Constitution guarantees that anyone taken into custody, without exception relevant here, be advised of their rights. That did not happen when Ms. Scott was arrested. Therefore, under governing law, we have no choice but to set aside the conviction, and to dismiss the case against her because of the errors of the arresting officers.

44. On 21 December 2023, the Restovian Minister of Foreign Affairs sent a formal request for the extradition of Ms. Scott to stand trial for “providing a public servant with a personal benefit with the intent of influencing that person in the exercise of his or her official duties,” contrary to Restovian law. The request indicated that anyone convicted under that statute is subject to a fine of up to three times the value of the “benefit,” as well as incarceration for up to five years.

45. The request, grounded in the 1965 Extradition Treaty between the two countries, was accompanied by a summary of the evidence against Ms. Scott, which included the three recordings, as well as sworn affidavits of three prospective prosecution witnesses. Alekostria’s Ministry of Foreign Relations referred the request to the competent judicial authorities to conduct a probable-cause determination in accordance with Alekostrian law.

46. On 1 February 2024, Judge Rumi Zhang of the Alekostrian District Court found that extradition pursuant to the request would be illegal, stating in pertinent part:

Ms. Scott was charged in Alekostria with the offence of paying a bribe to Mr. Ted Moore: the very same alleged transaction that forms the basis of the pending charge in Restovia. The charges were dismissed, and she was acquitted. The reasons for her acquittal are not relevant to the question before me. The Extradition Treaty

requires that, before a person is extradited, it must be shown that “the proposed judicial process or sanction to be carried out by [Restovia] is consistent with the general principles of law recognized by civilized nations.” I conclude that the prosecution of Ms. Scott in Restovia would place her in double jeopardy, contrary to those general principles of law as well as the domestic law of both countries, and therefore her extradition is impermissible under the Treaty.

Following the court’s ruling, the Ministry of Foreign Relations formally denied the extradition request. No review of that decision is available under Alekostrian law.

47. On 10 July 2024, the Restovian Minister of Natural Resources announced the disqualification of the NEXCA bid for the Gordian Gorge project on the stated grounds that “the suspicions of corruption that influenced the security clearance process and the negligence that resulted in damage to the Gorge and the death of Domingo Montoya, even before the contract was awarded, show that NEXCA is unreliable, and therefore an unacceptable partner to work with us on such an important project.”

48. A few days later, Rare Earths Ltd. (REL), one of the Restovian finalists, announced that it was withdrawing its bid to mine in the Torngat Plateau, as it had secured a lucrative mining opportunity in another country. This left only a single bidder, Hyperion Inc., a Restovian enterprise whose offer price, including the upfront payment and royalties anticipated for the first five years, was €100 million less than the next-lowest bid.

49. At a press conference on 19 July 2024, the Restovian Minister of Natural Resources announced that the government had decided to award the contract to Hyperion. He said:

I think it was clear to everyone that NEXCA was the most likely recipient of this award, until a combination of its negligence and apparent corruption caused us to realize that, put simply, we could not trust it. We regret that REL decided to withdraw, although we understand why it felt the need to do so: this award has taken far too long. We have given serious consideration to reopening the bidding process, especially in light of the probability that we will now be compelled to collect some €100 million less than we had expected. However, we are reminded that Parliament directed us nearly four years ago to proceed with “urgency.” And so, we are pleased to announce that the mining license will be issued to Hyperion. We look forward to working with that company in developing critical natural resources to secure a bright future for all Restovians. And we hope that the initial exploration will commence as soon as possible.

50. On 5 September 2024, the estate of Domingo Montoya, the deceased security guard, filed a civil wrongful death lawsuit against NEXCA in a Restovian district court. NEXCA promptly moved to dismiss the action, invoking Section 1668 of the Restovian code of civil procedure, under which: “The jurisdiction of the courts [of Restovia] and the enforceability of judicial decisions are

limited by the exceptions recognized in international law.” NEXCA’s motion argued that state immunity is a rule of customary international law and, as a company owned by Alekostria and therefore an instrumentality of a foreign state, Section 1688 entitled it to immunity.

51. The district court directed the parties to file written arguments and scheduled an oral hearing for 5 November 2024.

52. On 29 November 2024, the district court denied the motion to dismiss. Its judgment read, in relevant part:

International law certainly recognizes the concept of sovereign immunity. Immunity, however, does not extend to state-owned enterprises with independent legal personality that are engaged in such commercial activities as mining. While NEXCA allegedly failed to uphold Alekostria’s international obligations regarding the protection of the Torngat Plateau, these events occurred in the context of activities typical of private businesses, not state organs. In addition, the present proceedings fall within another exception to immunity accepted in international law. According to the complaint, Mr. Montoya’s death resulted from NEXCA’s negligent operation of a vehicle, causing injuries in Restovian territory. Either of these exceptions individually would justify denial of the claim of immunity. I am therefore denying the motion to dismiss. The defendant is not entitled to immunity from the jurisdiction of this Court, and this case will now be scheduled for trial.

NEXCA appealed to the Supreme Court of Restovia, which upheld the ruling. No date for the trial has yet been issued by the district court.

53. On 24 January 2025, Alekostrian Prime Minister Jane Isadora appeared on television. She announced that her government was formally objecting to the Gordian Gorge project as inconsistent with ARPA.

54. Recognizing a growing set of interconnected disputes – relating to the mining project, the immunity of NEXCA, and the requested extradition of Liz Scott – on 6 March 2025, the Alekostrian Minister of Foreign Relations proposed to her Restovian counterpart that “we take these knotty legal matters to the International Court of Justice.” For this purpose, the two states proceeded to draft and sign a Special Agreement.

55. After these proceedings were initiated, Sollania filed an application for leave to intervene as a non-party, pursuant to Article 62 of the Statute of the Court, claiming that it has “an interest of a legal nature which may be affected by the decision in the case.” Its Justice Minister stated in a press release:

Any judgment regarding the Torngat Plateau will not affect only Alekostria and Restovia. The outcome of this case will inevitably impact us in Sollania, a country governed by Pilemon traditions and laws and whose citizenry considers the Gordian

Gorge to be sacred. Furthermore, should the Court choose to engage in legal interpretation of the duty to protect the rights of Pilemon communities, as derived from both customary international law and the bilateral treaty between the parties, such reasoning will directly implicate our legal interests as well, including those rights enshrined in our own treaty with Alekostria. We seek the right to join this case now to preserve and protect those rights, while standing ready to pursue our own litigation in the future.

56. Restovia objected to Sollania's request to intervene, arguing that it lacked the "interest of a legal nature" required under Article 62. The Court decided to join the question of the admissibility of Sollania's intervention to the merits phase of the proceedings. As a result, at this stage, the Parties will present their arguments on the merits and on the question of admissibility, while Sollania will be permitted only to make its submission in writing on the admissibility question. This is without prejudice to the possibility of a subsequent merits phase of the proceedings should the Court permit Sollania to intervene.

57. In a television interview, the Restovian Minister of Foreign Affairs said:

It is important that the Court weigh carefully the very problematic implications of opening its doors as Sollania has proposed and as Alekostria has agreed. If Sollania considers that its appearance before the ICJ is necessary, it should have joined with Alekostria as an applicant. We see nothing that Sollania might have to say in this case that differs from arguments and submissions that Alekostria is certain to make. The proposed use of Article 62 to permit unmerited and duplicative intervention should be resisted, as compromising the integrity of the judicial organ of the United Nations.

58. Alekostria, Restovia, and Sollania have at all relevant times been members of the United Nations and parties to the Statute of the International Court of Justice, the Vienna Convention on the Law of Treaties (VCLT), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Other than these treaties and those named earlier in the Statement of Agreed Facts, none is a party to any treaty of relevance to this case. All three voted in favor of the General Assembly Resolution adopting the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007.

59. Alekostria respectfully requests the Court to adjudge and declare:

- (a) that Sollania be permitted to intervene in these proceedings as a non-party in accordance with Article 62 of the Court's Statute;
- (b) that Restovia has breached the terms of ARPA, as well as its customary international law obligations, in failing to properly consult with and obtain the free, prior, and informed consent of the Pilemon people to the development of the Gordian Gorge;

(c) that Alekostria did not violate its Extradition Treaty with Respondent when it refused to surrender Liz Scott, as her trial in Restovia would be incompatible with *ne bis in idem*, a general principle of law within the meaning of that treaty; and

(d) that Restovia violated international law when it refused to grant state immunity to NEXCA in the wrongful death suit filed by the estate of Domingo Montoya.

60. Restovia respectfully requests the Court to adjudge and declare:

(a) that Sollania not be permitted intervene in these proceedings as a non-party;

(b) that Restovia did not breach any treaty or customary international law obligation related to consultation or free, prior, and informed consent in conducting its proposed development of the Gordian Gorge;

(c) that Alekostria violated the Extradition Treaty when it refused to surrender Ms. Scott, as *ne bis in idem* is not a general principle of law, and in any event would not be violated by her trial in Restovia; and

(d) that Restovia did not violate international law when it refused to grant state immunity to NEXCA in the wrongful death suit filed by the estate of Mr. Montoya.

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CORRECTIONS AND CLARIFICATIONS TO THE SPECIAL AGREEMENT

The following corrections 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 15 September 2025 should be considered amended accordingly. The Registrar of the Court reminds all 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 correction or 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, the 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, the Parties and the Court have agreed that they will not take formal or informal offense at any reasonable effort to pronounce proper names correctly.

CORRECTIONS

1. In paragraph 11, the phrase “In both countries” is corrected to read “In Alekostria and Restovia”.
2. In paragraph 20, the phrase “Just over three months later” is corrected to read “Two months later”.
3. In paragraph 50, the phrase “Section 1688” is corrected to read “Section 1668”.
4. In paragraph 55, the phrase “including those rights enshrined in our own treaty with Alekostria” is corrected to read “including those rights enshrined in our own treaty with Restovia”.
5. In subparagraph (a) of paragraph 60, the phrase “permitted intervene” is corrected to read “permitted to intervene”.

CLARIFICATIONS

1. The 1965 Extradition Treaty, the ARPA, and the SRPA were each duly registered with the United Nations Secretariat in conformity with Article 102 of the Charter of the United Nations.
2. In 1981, Sollania deposited a Declaration with the Secretary-General of the United Nations under Article 36(2) of the ICJ Statute accepting the compulsory jurisdiction of the Court without limitation or reservation.
3. The Restovian Ministry of Natural Resources posted the three DPRs to its website and invited the Elders to the online forums on the same day it announced the names of the three finalists. The Ministry ensured full linguistic accessibility by providing translations of the DPRs into the Pilemon language, and simultaneous interpretation during the forums. In addition, the toll-free hotline was staffed by technical advisors proficient in the Pilemon language, ensuring that all inquiries could be addressed accurately and inclusively.

4. The judgment of the Alekostrian Court of Appeal described in paragraph 43 constitutes a final judgment, dismissing the case. There is no further opportunity for appeal or review of that judgment in Alekostria.
5. On 19 July 2024, following the award of the contract to Hyperion and before the company had commenced operations, Hyperion and the government of Restovia agreed that they would postpone all work in the Plateau until any issues concerning its legality were conclusively resolved. In September 2025, they clarified that the postponement would continue “until the International Court of Justice issues a final judgment in the case between Alekostria and Restovia.”
6. At no point, including during the surveying of the Gorge and in the aftermath of the SARV incident, was access of the Pilemon people to the Torngat Plateau affected in a manner that would engage or implicate Article 17 of ARPA or SRPA.
7. Sollania’s application to intervene complied with the relevant Rules of Court, and in particular set out all information required by paragraph 5 of Article 81 of those Rules. The application specified that Sollania sought to intervene only with respect to the issues set out in paragraphs 59(b) and 60(b) of the Statement of Agreed Facts.