

VIVEKANANDA SCHOOL OF LAW AND LEGAL STUDIES

2nd Intra International Law Moot Court Competition 2019

28th January 2019

Notice

This is to inform you that Advocates Legion is organizing the 2nd Intra International Law Moot Court Competition on **16th February 2019**. The rules for the competition are as follows-

Rules

All the participants of the Intra International Law Moot Competition are requested to follow the below mentioned rules relating to the submission of memorials, registration amount and oral argument.

1. Eligibility Criteria

1.1. Following students are eligible to participate in Intra International Law Moot Court Competitions.

1. Winners of 12th Intra Moot Competition
2. Students from 4th, 6th and 8th Semester

1.2 Each Team shall comprise of five/three members, out of which two members are speakers and the rest are researchers.

1.3 Teams are required to register themselves via sending their names, sections and contact details on moot@vips.edu.

2. Schedule

2.1. Last date for Registration: **8th February 2019**

2.2. Date of Event: **16th February 2019**

2.3. Last Date for submission of Registration Fees: **8th February 2019** (Rs 300 per team)

2.4. Last date for submission of Soft Copy of the Memorial: **10th February 2019**, by 5:00 P.M. on moot@vips.edu

2.5. Last date of submission of Hard Copy of the Memorial: **11th February 2019** in the Moot Court Room, (4th floor).

3. Mode of payment

3.1. The team shall submit a cheque of Rs. 300 (per team) in favour of “Vivekananda Institute of Professional Studies Law School”

4. Written Submission

4.1. Each Team is required to prepare Written Submissions for both sides, i.e., the Applicant and the Respondent of the case.

4.2. A Written Submission shall consist of the following mandatory heads:

a) Cover Page (Blue for Petitioner/Appellant, Red for Respondent)

i. Name of the Court

ii. Petition/Appeal Number (if any)

iii. Name of both the Parties

iv. Cause Title

v. Written Submission for Petitioner/Appellant or Respondent

vi. Team Code in bold on top right corner

a) Table of Contents

b) List of Abbreviations

c) Index of Authorities

d) Statement of Facts (not exceeding 2 pages)

e) Statement of Issues

f) Summary of Pleadings (not exceeding 3 pages)

g) Legal Pleadings (not exceeding 15 pages)

h) Prayer for Relief (not exceeding 1 page)

4.3. The Written Submission should not exceed the maximum limit of 25 (Twenty-Five) pages in length, including the Legal Pleadings.

4.4. The Written Submission (including the preliminary pages) shall adhere to the following mandatory specifications:

a) Paper size: A4

b) Font type: Times New Roman

c) Font size: 12

d) Line spacing: 1.5

e) Body of text: Justified

f) Margin of 1 inch on each side of each page

For footnotes, Teams shall follow a uniform style of citation (preferably the Bluebook Method of Citation, 19th edition) throughout their Written Submissions. The formatting specifications are:

- a) Font type: Times New Roman
- b) Font size: 10
- c) Line spacing: 1
- d) Paragraph spacing: 0
- e) No additional space between 2 footnotes
- f) Body of text: Justified

5. Oral submission

5.1.The time for the beginning of oral submissions, draw of lots and court rooms shall be displayed before the day of competition

5.2.Each team shall be given 20 minutes for oral submission. The speakers may divide the time among themselves; however, a speaker should not speak for less than 8 minutes. Division of time shall be dependent on the number of issues taken by one speaker. For example; Speaker 1 deals with two issues and speaker 2 with one, the division of time may be 12:8 or 11:9.

5.3.There shall be 2 minutes of rebuttal/sur-rebuttal to be taken by both the sides which is included in their total time, i.e., 20 minutes.

5.4.Every team shall submit the time (to be taken by the speakers) to the Court Marshalls before the beginning of the round.

5.5.The teams shall be in formals i.e. black and white. Wearing black tie is compulsory for all the boys.

6. Miscellaneous

6.1.Court Master/Court Marshall- Any student who is interested in playing the role of Court Master (reads the problem before the judge) and Court Marshall (keeps the time and displays the sign board) kindly mail at moot@vips.edu

6.2.Training session- The dates shall be notified soon.

For any other clarification kindly mail at moot@vips.edu

Advocates' Legion

Moot Court Society

Vivekananda Law School

Prosecutor v. Doron Kavillio

Pre Trial Chamber I

THE INTERNATIONAL CRIMINAL COURT AT THE HAGUE

A. INSTRUCTIONS

1. *Proceedings*: The hearing takes place pursuant to Article 61 of the ICC Statute (confirmation of charges). At this stage, the Prosecutor has to “support each charge with sufficient evidence to establish substantial grounds to believe that the person committed the crime charged.” The Accused may “object to the charges” and/or “challenge the evidence presented by the Prosecutor”.
2. *Facts and evidence*: The case is entirely fictional. The Moot problem includes all the facts supported by evidence that have been transmitted to the Defence, as well as facts and evidence presented by the Defence for the purpose of the hearing. Teams should confine themselves to the facts supplied. Neither the Prosecutor nor the Defence may introduce new evidence or facts at the hearing (Article 61 (6) (c) of the ICC Statute is not applicable). Teams may nonetheless draw reasonable inferences from the facts. They may also question the credibility or weight of the evidence. Teams should not hand anything to judges unless specifically asked to by a judge.
3. *Procedure*: The problem is not intended to raise questions of procedure other than the rights of the accused pursuant to Articles 66-69 of the ICC Statute. Any other procedural questions should be ignored.
4. *Jurisdiction and admissibility*: *The jurisdiction of the ICC should be assumed. Counsel may in this instance address issues regarding the admissibility of the case under article 17 of the Statute of the ICC (“Statute”) if relevant.*

5. *Applicable law*: In accordance with Article 21 of the ICC Statute:

The Court shall apply

- a) *In the first place, this Statute, Elements of Crimes and its Rules of Procedure and Evidence;*
- b) *In the second place, where appropriate, applicable treaties and the principles and rules of international law, including the established principles of the international law of armed conflict;*
- c) *Failing that, general principles of law derived by the Court from national laws of legal systems of the world including, as appropriate, the national laws of States that would normally exercise jurisdiction over the crime, provided that those principles are not inconsistent with this Statute and with international law and internationally recognized norms and standards.*
- d) *The Court may apply principles and the rules of law as interpreted in its previous decisions.*

6. Teams are encouraged to look at the case law of international and national courts. If teams rely on decisions of national courts, these should be leading decisions and teams should expect to be asked for copies of the headnote and the portion of the transcript or judgment referred to in their argument.

7. *Participation to treaties*: At all material times, the following treaties were in force for the States indicated by a tick mark:

	Carthage	Memphis	Rodinia
<i>1949 Geneva Conventions</i>	✓	✓	✓
<i>1977 Additional Protocols I and II</i>	✓	✓	✓
<i>1976 UN Convention on the Prohibition of Military or Any Other Use of Environmental Modification Techniques</i>	✓	✓	✓

1982 UN Convention on the Law of the Sea	✓	✓	✓
1998 Statute of the International Criminal Court	✓	✓	✓
1984 Convention against Torture			
1972 Convention Concerning the Protection of the World Cultural and Natural Heritage	✓	✓	✓
1969 Vienna Convention on the Law of Treaties	✓	✓	✓

B. FACTS

1. The Kingdom of Carthage, The Thebes Archipelago, Memphis and the Republic of Rodinia are bordering the Middle Sea as shown in the Map annexed.
2. Between 2006 and 2013, Carthage was ruled by a military government led by General Gabi Ayub and Admiral Doron Kavillio, with General Gabi Ayub acting as the country's President. During this period, Admiral Kavillio chaired the powerful Crisis Military Commission, which acted as the de facto government of the country. Admiral Kavillio also acted as Commander-in-chief of the Armed Forces.
3. The Thebes Archipelago (the Archipelago) lies at about 750 kilometres south of Rodinia, 100 kilometres northwest of Carthage and 300 kilometres from Memphis's east coast. Thebes Island is the largest island of the Archipelago, and the only one which is inhabited. Until 2011, the Archipelago was under Memphian control, although it enjoyed complete autonomy in managing its internal affairs. The Memphian central government was in charge of its defence and foreign affairs.
4. According to a 2011 survey, Thebes has a population of 1.5 million. The Archipelago is home to large bird populations. Massive groups of coral reef close to the Thebean shore attract thousands of tourists every year. The Archipelago is also known for its large oil reserves on the land and in the surrounding waters. Oil and tourism are the main sources of revenue for Thebes. Fish and other sea products form a significant part of Thebean's

diet. Foodstuff is otherwise mainly imported from nearby countries, but there is a small agricultural production – mainly fruits and vegetable – on the island.

5. Since the 1980s, Kingdom of Carthage has been contesting Memphian sovereignty over the Archipelago. The arguments advanced by successive Carthagian governments were based on the proximity of the Archipelago to Carthage coast and the unlawful annexation of the Archipelago after the Second World War.
6. In January 2011, Carthage was struck by a political crisis which led to large-scale civil unrests against the Ayub government. In order to divert the population's resentment towards the government, Admiral Kavillio suggested to the Crisis Military Commission to take control of the Thebes Archipelago. On 4th February 2011, the Carthagian Armed Forces invaded Thebes and quickly gained control of Port Petra, the capital city of Thebes.
7. On 10th February 2011, the Carthagean forces obtained surrender from the then Governor of the Archipelago. A Military Administration was established to govern the Archipelago directly under the supervision of the Crisis Military Commission. However, there was continued local resistance to the Carthage rule. Inhabitants and the remaining members of the Memphis armed and police forces on the island formed a "resistance militia", led by Colonel Hamed from the Memphis army. The militia mostly used guerilla tactics, including laying improvised explosive devices along the main roads of the island. Meanwhile, President Gideon Avital of Memphis promoted Hamed to Major General, and instructed him to "drive the invaders out of Thebes". Memphis was the main source of military supply to the resistance.
8. Facing an increasingly volatile situation in Thebes, on 1st July 2011, the Military Administration established check-points in key areas of the island. Restraints were also imposed on the flow of goods in and out of Thebes. Anti-Carthage attacks were, however, still on rise. In one incident, an ambulance carrying wounded Carthage soldiers was hit by roadside bombs. All 5 wounded soldiers; one nurse and one doctor were killed

in the explosion. On several occasions, fishing boats were caught transporting weapons and explosive devices to Thebes. Carthage vessels also suffered from surprise attacks launched from Thebean fishing boats.

Control measures

9. With the view to impede the supply of weapons to the local militia and pressure the population to disengage from the unrest, Admiral Kavillio's Administration announced on 1st September 2011 that all foreign ships entering a "Maritime Control Zone" defined as the area within 24 nautical miles from the Thebes Island coastline had to request prior authorization from the Military Administration. Carthage naval and air forces started to patrol the area to enforce the measure.
10. The Military Administration also limited the activities of local fishermen to 6 nautical miles offshore. Carthage vessels routinely patrolled the Thebes coastline to deter fishermen from going beyond the prescribed limit. In one incident, a boat was fired at 5 nautical miles from shore, resulting in the death of a fisherman. The Thebean newspaper *Inport News* reported the incident and accused the Carthage patrol of "reckless use of force" against innocent civilians.
11. Control over the importation of goods was also tightened. Admiral Doron announced that only goods exclusively used for civilian purposes would be allowed into Thebes. At Port Petra, ships bringing goods to Thebes had their shipload approved or rejected on a case-by-case basis, with no reasons given. Items allowed in were always changing and the Military Administration refused to publish any list of controlled goods. Importation of raw materials and manufactured goods was reduced, and prices soared.
12. Among other things, the importation of construction materials such as cement and steel was curtailed and strictly scrutinized for the Administration's alleged fear of possible use by the armed militia. Metal objects, such as tin cans were banned because melted metal

might be used to make weapons, according to the Administration officials. As a result, local farmers ran short of containers to preserve their food. A range of chemicals including certain fertilizers and pesticide, which may be used in the production of explosives, were also banned.

13. After being unloaded from ships, the goods were brought by road to different areas of the island. Because of exchanges of fires between armed forces and the frequent use of road bombs, the main roads were severely damaged. Repair work was slow due to scarcity of materials. In some instances, wheelbarrows and carts had to be used to deliver goods and materials. Transport of food and basic necessities was long delayed in some areas. Inspection at check-points slowed down the distribution of food and medicine further. Captain Avihai, a local commander in Thebes, claimed that “we monitor supplies closely to prevent them from being diverted to terrorists, who must be pressed to surrender.”
14. Radio Popolare, a radio station based in Rodinia, published a report leaked from the Carthage Ministry of Health. The report contained data presenting the minimum intake of calories necessary to keep Thebes local population alive. According to Radio Popolare, the Military Administration used the data to estimate the quantity of food products allowed in and distributed to the different areas of Thebes. The Administration’s officials later stated that such calculation was intended to better implement import controls. Thebes Watch, a Carthage based human-rights group, said that in fact the food distributed to the local population was short of meeting the estimated needs.
15. The Thebean fishermen needed to sail at least 12 to 15 nautical miles from shore to catch larger shoals. By September 2012, the total catch had been halved since the implementation of the control measures on fishing in 2011, and was still decreasing. Local food production had been reduced by a third of its past level because of the restriction on the import of fertilizers and pesticides. The local newspaper Inport News warned that with the stark reality in local agriculture and fishing sectors, the population would almost entirely depend on food import to survive the autumn and winter of 2012.

16. On 15th November 2012, the Carthage Military Administration in Petra was attacked by militia members. Dozens of Carthage soldiers and the deputy of the Administration were killed. A number of wounded militia members were seen seeking shelter in the offices of several humanitarian organizations. The next day, Admiral Kavillio announced suspension of all imports for “security reasons”, including import of humanitarian aids. The import of food and other essential supplies started to resume slowly on 15th January 2013.
17. In February 2013, the International Committee of the Red Cross (ICRC) noted that hospitals lacked medical stores and were not able to maintain their equipment or make necessary repairs. Islanders posted numerous complaints about their poor living conditions, the lack of medical services and medicines on various social media sites. In some cases, especially in remote areas, a small ailment could develop into serious illness for lack of treatment.
18. A United Nations Development Programme (UNDP) report dated to 5th March 2013 stated that damage to sewerage networks and pumping stations was left unrepaired. Thousands of Thebeans were affected according to the UNDP report. The report indicated that the water supply was largely “unfit for consumption” in Thebes.
19. On 6th March, the Inport News, citing reports of the ICRC and UNDP, accused Carthage of deliberately starving Thebes population and appealed for an immediate international intervention. The appeal was soon reprinted by the international media. The next day, the website of Inport News was shut down, its chief editor Gaspare Pisciotta taken away by Carthage military for suspicion of colluding with Memphis. Admiral Kavillio eventually ordered to release the chief editor and restored the website two days later.

Operation Odyssey Dawn

20. On 15th April 2013, ten NGOs (eight from Memphis and two from Carthage) decided to form a coalition under the name of Azad Thebes Movement (the Movement). The Movement was led by the Memphis NGO “Fatah”, whose chairman was Mr. Hector

Adonis. Fatah was listed by several countries as a terrorist group. Other members of the Movement included the Carthagen NGO Thebes Watch.

21. On 30th May 2013, the Azad Thebes Movement announced on its website and various social media that it had chartered a Rodinia registered merchant vessel, Via Adriatico Tirrenia , to deliver “humanitarian packages” to Thebes. The stated aim was to send “a message of alarm to the international community” by breaking the “blocking line” and “confronting the occupying invaders”
22. The Memphis government expressed support for the “just cause” of the Movement. Thirty employees of a Memphis private security company, The Hawk, were hired to provide escort to the convoy. All were former Memphis soldiers. Hector Adonis explained it was out of security considerations that The Hawk was hired.
23. On 1st July 2013, Tirrenia left Memphis port for Thebes. In addition to the 30 armed Hawk guards, on board were also 200 passengers, among them members of the Movement and a number of human rights activists and anti-Carthage protestors recruited through the internet. Most passengers were Memphis citizens, but some were from Carthage, Rodinia and ten other countries. Tirrenia had 2,000 tons of cargo on board, mostly food, medicine and basic necessities. During the voyage, Hector Adonis, together with the Hawk guards, regularly briefed the passengers on measures to be taken “in case of emergency”. Hector Adonis told all the passengers that the mission would proceed to Thebes regardless of any obstacles.
24. Meanwhile, Admiral Kavillio received intelligence that the Tirrenia was also carrying a stock of weapons, notably rifles, ammunition and grenades. He soon established a commando of 60 marines to deal with the potential threat. The operation was named “Odyssey Dawn”. Kavillio appointed Commander Walil Al Abed to lead operation. During a predeployment briefing, Abed instructed the marines that the inviolability of the Maritime Control Zone should “under no circumstances be compromised”.

25. In the late evening of 20th July 2013, when Tirrenia was 40 nautical miles from Port Petra, its master was informed by radio that he was approaching a controlled maritime zone and that the ship would not be authorized to proceed to Port Petra unless its cargo was inspected and its passengers controlled before entering the zone.
26. Despite of repeated warnings, Tirrenia proceeded towards Port Petra. Hector announced that he would not stop the ship and protested the Carthagen occupation of Thebes. When Tirrenia was 24 nautical miles away from Port Petra, Commander Walil Al Abed sent a final warning via radio that all available measures would be taken to prevent unlawful entry into the Maritime Control Zone. He then ordered to board and seize the Tirrenia.
27. The commando encountered strong resistance from the Hawk guards and passengers when boarding. Three marines were thrown over the deck head down, some were seized and stabbed. Activists also used improvised weapons such as axes, iron bars, fire extinguishers, etc. The Hawk guards fired a few shots to stop the commando from advancing. Stun grenades taken from the seized marines were thrown at the commando and some gunshots were also fired by activists. Commander Walil Al Abed ordered to open fire.
28. After one hour of intense exchange of fire, the Hawk guards surrendered after running out of ammunition. In the early morning of 21st July 2013, the marines took control over the ship. The wounded were given medical care. In the rumpus, 30 activists and 15 The Hawk guards were killed, 60 injured, including guards and passengers. Among the Carthagen marines, 10 were killed and 15 injured, 5 of them in serious condition. The Tirrenia was escorted to Port Petra, and all Tirrenia crew, guards and passengers were put into Petra's central prison.
29. Some of Tirrenia's passengers were soon released, others held for further investigation. The Inport News subsequently published a series of interviews with some of those who had been released. One of them, Nobel Peace Prize laureate Alberta Camus, said that the Carthagen soldiers were "shooting indiscriminately at innocent civilians" on Tirrenia.

She claimed she was holding a banner and “peacefully” protesting with some other passengers, when bullets came at their direction and one of the protestors was shot dead right in front of her. A priest from Rodinia said bullets were flying around and at some point he could no longer tell whether they were from the Carthagens or the protestors. The Hawk later claimed that all their guards on board were only carrying light defensive arms.

30. Operation Odyssey Dawn drew international condemnation. Demonstrations were held in major cities in Memphis to pressure the government to take “real” actions against Carthage. In a press conference, the Memphis President denounced Operation Odyssey Dawn as serious violation of international humanitarian law.
31. Faced with increasing international pressure, in August 2013, Carthage conducted an inquiry on Operation Odyssey Dawn. Commander Walil Al Abed attended the inquiry and pleaded self-defence in ordering to open fire. He claimed that most of the people on board were armed and violent. Some of the marines testified that some passengers were wearing “military-like fatigues” and clearly carrying heavy firearms. They claimed to believe the armed men were Memphis soldiers because they “were well-trained in combat activities”. According to the members of the commando, many activists and The Hawk guards tossed weapons into the water before surrender.
32. One month after Operation Odyssey Dawn, Carthage issued a statement noting a decline of militia attacks in Thebes and promised to loosen the import controls. In September 2013, a report released by the Carthagen Ministry of Defence concluded that Operation Odyssey Dawn was conducted lawfully on grounds of national security and self-defence. Commander Walil Al Abed was cleared of any responsibility.
33. The conclusions of the Carthagen report were met with skepticism. Memphis, Rodinia and various other countries called the inquiry a sham and urged the United Nations to conduct an independent investigation. In October 2013, the UN Secretary-General appointed a panel of legal experts to investigate the conduct of Operation Odyssey Dawn.

34. In March 2014, the Expert Panel produced a preliminary report which concluded that the Carthagen commando had used excessive force. The Panel found that all casualties suffered by the activists were caused by gunshots, some of them at point-blank range or from behind. According to the report, renowned journalist Carmine Pecorelli (“Mico”) was video recording the events when shot in the head. An engineer was shot at when trying to cut off the light system of the vessel. Several others were injured by gunfire when waving knives at the soldiers. Some of the Hawk guards were killed or wounded when reaching out to the lifeboats of Tirrenia. The report found no conclusive evidence of a cache of weapons on board Tirrenia.

Oil spills and oil fires

35. Following the post-Tirrenia demonstrations and the weakening of Carthage’s government, the Memphis government decided that time had come to recapture Thebes. On 25th August 2013, a Memphis naval task force set sail for Thebes. On 17th September, Memphis launched an intensive air campaign against the Carthagen land and naval forces in Thebes, while the Memphis navy engaged Carthagen navy on the high seas. On 20th September 2013, the commander of the Carthagen fleet, Rear Admiral Taufiq Hammed, reported to Admiral Kavillio that he was unable to stop the advancement of the Memphis Navy. Admiral Kavillio told Hammed to “resort to all resources available to stall the enemy”. In the ensuing days, several pro-government magazines stated that the Memphis government should “re-consider” any attempt to disrupt Carthage’s sovereignty over Thebes, which would only lead to “unforeseen consequences”.

36. On 24th September 2013, Captain Avihai, after consulting Rear Admiral Hammed, ordered to open the valves of three oil terminals on the western side of the island, while Carthage’s ships moved eastward towards the Carthagen coast. Three oil tankers also started to discharge oil into the same sea area.

37. The Memphis naval forces were slowed down by the oil slicks offshore western Thebes, but on 15th October, the Memphis forces managed to land on the south beaches of Thebes. The positions in the southern part of Thebes were poorly defended, so the Memphis forces rapidly started to make their way inland towards Port Petra.
38. On 16th October 2013, Admiral Kavillio told the Carthagen paper Al-Thawra that the Memphis attacks would only “lead to the destruction of Thebes.” Admiral Kavillio told Captain Ardent to take “all measures possible to stop the advancement of the Memphis forces”. On the same day, large oil storage tanks on a site by the sea near Port Petra burst into huge fires (approx. 60 million litres of oil were stored on the site). Carthagen soldiers in Thebes retreated to the mainland.
39. Port Petra and the surrounding areas were awash in smoke, soot and ash. A large amount of the oil found its way to Port Petra waterways and into the sea. As the site was surrounded by landmine fields, access was difficult and dangerous for firefighters and civil defence personnel. It took 10 days to get the fires under control, by then, several million litres of oil had already been released into the sea.
40. In January 2014, United Nations Environment Programme (UNEP) pointed out that the oil spills could have a major effect on the massive reef habitation offshore Thebes. According to UNEP, certain habitations of coral reefs were extremely susceptible to hydro carbon pollution. Thousands of birds in the region were found dead. Marine turtles, which use the Thebes Archipelago as nesting sites, were also in endangered.
41. Meanwhile, Dr Sullivan from the Rodinian Meteorology and Environmental Protection Administration assured the public that the damage to the marine environment in the region was “not devastating”, but added that it might take a few years for the environment to return to its former state. In June 2014, prominent public health experts attending an international conference projected that the air and maritime pollution in the aftermath of the war would kill approximately 800 Thebesians in the years to come.

42. In November 2016, a study on coral reefs offshore Thebes was concluded by a joint team consisted of members from national science institutes of Carthage, Memphis and Rodinia. Two-way analysis of variance between those oiled and non-oiled reefs off Thebesan coastline showed no significant differences for either species or families.

Referral to the ICC

43. At the end of 2013, the Ayub government was discredited by the failure in Thebes and eventually had to step down. Following the election of a new government, Admiral Kavillio was placed under house arrest for suspected crimes committed against the Carthage people. In May 2014, Carthage and Memphis agreed to jointly refer the situation between 1 January 2011 and 31 December 2013 to of Thebes to the International Criminal Court. However, the status of the Archipelago has not yet been definitively agreed upon.

44. The Pre-trial Chamber now holds a hearing to confirm the following charges on which the Prosecutor intends to seek trial. The hearing is held in the presence of the Prosecutor and Doron Kavillio, as well as his counsel.

Count One

Article 8(2)(b)(xxv) and Article 25 (3)(a) of the Rome Statute

Regarding the import and fishing control imposed on Thebes, Doron Kavillio is criminally responsible for committing, as an individual or jointly with another or through another person, the war crime of intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions;

Charge Two

Article 8(2)(b)(i) and Article 28 (a) of the Rome Statute

Regarding Operation Odyssey Dawn from 20th to 21st July 2013, Doron Kavillio , as a military commander, is criminally responsible for the war crime of intentionally directing

attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;

Charge three

Article 8(2)(b)(iv) and Article 25 (3)(b) of the Rome Statute

Regarding oil spills and oil fires from September 2013 onwards, Doron Kavillio is criminally responsible for ordering the war crime of intentionally launching an attack in the knowledge that such attack will cause widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated.

Annexure

Map not to scale

