

**SEVENTH EDITION OF THE COMPETITION**

**“VICTOR CARLOS GARCIA MORENO”  
MOOT PROCEEDINGS BEFORE THE  
INTERNATIONAL CRIMINAL COURT**

**CASE: ICC-01/07-01/08**

**OFFICE OF THE PROSECUTOR**

**v.**

**LUIS MARTÍN, LUIS CARRILLO AND LAURA RODRIGUEZ**

*Héctor Olásolo / Julieta Solano / Ana Gallart*

**I. FACTS OF THE CASE**

1. The Republic of Astral has a territory of 250,000 square kilometers and a population of approximately 20 million inhabitants. Astral deposited its instrument of ratification of the Rome Statute with the Secretary General of the United Nations on February 15, 2002.
2. The Republic of Astral is divided into four provinces: Northwest Province, Southwest Province, Juliana Province (located in the southeastern part of the country) and Gallarda Province (located in the northeastern part of the country). The Gallarda and Juliana provinces have a population of approximately seven million inhabitants each. Population composition is mixed due to a similar percentage of individuals belonging to the three principal national groups in the country, all of them Caucasian: the Alonso, the Juli, and the Gallardo. Juliana Province has around 5 million inhabitants, where 50% are Juli, 40% Alonso and 10% Gallardo; while the Gallarda Province has 1 million inhabitants, 60% Gallardo, 30% Alonso and 10% Juli.
3. The capital of the Republic of Astral is Fuenmayor, situated in the Southwest Province and with a population of one and a half million inhabitants. Hervias with one million inhabitants, Nieva de los Julis with 500 thousand inhabitants and Villanueva de los Gallardos with a population of one hundred inhabitants are the respective capitals of Northwest Province, Juliana and Gallarda. The only coastline in Astral is situated the Northwest Province, referred to as the “coastline of the one thousand and one sunsets”, where the port of Hervias, one of the primary economic assets of Astral, is located.
4. Currently, the Astral Republic borders to the northeast with Gallardía (60% of the population are Gallardo) to the southeast with Julianía (50% of the population is Juli) and with Mantra to the southwest. Epanema and Mantra have long been homogeneous states where national groups do not exist as a strong majority.

5. The Astral Republic was constituted as an independent State in September 1995 after its secession from Gallardía, and at the end of the so called Hundred Days War that took place in Gallardía's territory between May and August 1995. The Hundred Days War was waged between (i) the National Gallardía Party (PNG), which had been elected through general elections in 1994; and (ii) the armed group of the opposition, denominated as the Alonsistas and Julianistas Military Coalition (AMAJ). As its name indicates, the duration of this conflict was relatively short due to the success of the offensive strike launched by the AMAJ, which allowed them to control two thirds of Gallardía's territory in a matter of weeks, and to force PNG to accept the creation of a new independent state (the Astral Republic) in this area of their territory with a population mainly integrated by Alonso and Juli.
6. Despite the short duration of the conflict, the cruelty of the involved actors had no precedent in the region's history. In fact, nowadays, when the Office of the Prosecutor hears the testimony of the witnesses living in the Astral Republic, they explain that the biggest atrocities they have ever witnessed took place during the 1995 conflict. Several press and International Human Rights NGO Reports published between 1995 and 1996 describe in detail the constant commission of war crimes by both sides of the conflict. The practice of torture and mutilation against members of Gallardía's armed forces and the elected leaders of the Gallardo majority captured by the AMAJ during its offensive strike were particularly severe, and aimed at obtaining the necessary information to increase the efficacy of the AMAJ's operations. The enforced disappearances carried out by the PNG from April 1995, which affected some two-thousand five-hundred AMAJ supporters who are still missing made the international press headlines. As a result, the United Nations Security Council in its Resolution 0001 adopted on July 15<sup>th</sup> 1995, stressed the need for both sides to the conflict to immediately put an end to such practices, and required them to bring their behavior in line with international humanitarian law.
7. In October 1995 the Hundred Days War came to an end after the signing of the peace agreement between PNG and AMAJ (in which the constitution of the Astral Republic as an independent state was agreed upon). The AMAJ called for elections in January of 1996 in Astral for the conformation of a Constituent Assembly. After this, the AMAJ was dissolved and the majority of its supporters either demobilized and rejoined civilian life or began undergoing training by Boreal Army officers (Boreal is the world's 3<sup>rd</sup> economic power according to the International Monetary Fund's December 2007 report); these officers would begin to form the core of the future armed forces of the Astral Republic. Moreover, several of the old leaders of the AMAJ created the Astral Movement for Alonsos, Julis and Gallardos Unity (MAAJG), which incorporated a good number of the political leaders from the moderate sectors of these three nationalist groups. MAAJG won by an absolute majority the January 1996 constituent elections.

8. After the Constituent Assembly's sessions, the new Constitution of the Astral Republic was approved by referendum and came into force in July 1996. Pursuant to Article 1 of the Constitution, Astral is a Social and Democratic State ruled by law, established as a Republic in which freedom, justice, equality and political pluralism as superior values. Pursuant to Article 2, the Astral Constitution is based on the indissoluble unity of the Astral nation, common and indivisible homeland of the Astrals, and which recognizes and guarantees the right of autonomy to a variety of nationalities and regions that integrate it, and the solidarity among them. Finally, Article 3 foresees that the official language of the Astral Republic is the Alonsino, a romance language derived from Latin, although the Juliardine (also a romance language derived from Latin) and the Gallardense (with Celt roots) are official languages in the Juliana and Gallarda provinces respectively.
9. After the dissolution of the Constituent Assembly, general and local elections took place in Astral in its four provinces in January 1997. MAAJG, won all the elections. MAAJG won again the general and local elections in January 2001.
10. From early 1997 to the end of 2004, the Astral Republic under MAAJG rule experienced unprecedented economic growth as a result of its strategic alliance with Boreal and its integration to the Atlantic-Pacific Economic Community. As a result, and according to the reports published at the end of 2004 by the NGO Journalists Without Frontiers (OGPF), the prestigious newspaper the Economist and the International Technology Development Organization (OIDT), the Astral Republic occupied the 15<sup>th</sup> place in the world in terms of its per capita income, the 20<sup>th</sup> place in terms of the relevance of its economy, the 12<sup>th</sup> place in terms of technological development and the 38<sup>th</sup> place in terms of freedom of the press. As a consequence, the Astral Republic became one of the major actors in the region, and its role started to eclipse the traditionally dominant position that the State of Julianía had enjoyed until then.
11. The economic development that the Astral Republic was benefiting from until the end of 2004 had an impact on its army as well. Since the creation of the Astral Republic, in September 1995, the Ministries of Defense of Boreal and Astral had signed a wide range of agreements pursuant to which (i) recently appointed Astral army officers received two years of training at the Boreal Superior War School and (ii) Boreal's elite instructors began training future instructors of the Astral Army's elite units in the military facility of the New Sphinx, twenty kilometers south of Fuenmayor. These agreements are still in force.
12. Additionally, in 2000, the Astral and Boreal governments signed an agreement pursuant to which the Astral Republic undertook to acquire, 15 fighter planes made in Boreal over the course of the subsequent ten years; while Boreal undertook to promote the Astral armaments

industry through the establishment of a *joint venture* with would open the biggest conventional weapons and explosives facility in the region (and one of the 3 biggest in the continent) in Astral.

- 13.** Despite the internal problems faced by MAAJG in reaching a decision about the exact location of this facility, the effort of the Juli members of the coalition, helped on by the Gallardos, made it possible to locate the new ammunition facility near La Almucera Village in the Roncal Valley, 50 kilometers north of the city of Nieva de los Julis. Construction of the facility began in 2001 and ended in 2003. By the end of 2004 the facility was fully functional and the prosperity that this industry brought to the Roncal Valley was evident.
- 14.** In the general and local elections of January 2005, the political panorama in Astral changed dramatically took an unexpected turn when, despite MAAJG's victory in both the local and general elections in three of the four provinces in Astral, the Juli Cultural Identity Party (PICJA) obtained the absolute majority in the local (provincial) elections celebrated in the Juliana Province.
- 15.** The PICJA was created in 2000 by a group of intellectuals, writers, and artists that intended to foster the foremost characteristics of the Juli identity and to promote the usage of Juliardine in the official institutions as well as in elementary, secondary and university education in the Juliana Province. In addition, PICJA intended to establish foundations that would administer donations to encourage young writers, artists and intellectuals who wanted to carry out their activities in Juliardine. Nevertheless, since the arrival to power of the government of the nationalist coalition of Juli parties, known as Juliana Sovereignty Pact (PSJ), in the neighboring state of Julianía, the financing, composition and objectives of PICJA suffered important rearrangements.
- 16.** Since January 2004, members of the PSJ administration and some PICJA leaders started to meet frequently in Nieva de los Julis and in Juliana City (Julianía's capital city). The aim of these meetings was to bolster financial and political relations between both parties and to promote PICJA's renovation in order to turn from a primarily cultural organization into a real secessionist party with the objective of seeking independence of the Juliana Province from Astral and join the state of Julianía. To achieve this goal it would be necessary, at first, to take over internal control of PICJA by dismissing the party's current directors and expelling from the party those intellectuals and writers whose ideals could differ from that of independence. This strike to the party's directors had been prepared since March 2004 with the financial support from the PSJ, and was accomplished during the PICJA Assembly in July 2004, with the election of the Juli ultra-nationalist president Javier Unaga and the retired General Luis Fabiano Reyes as vicepresident. General Reyes had received several

awards for his leadership in the Intelligence Service of the AMAJ during the Hundred Days War in 1995.

17. Since September 2004, the new PICJA board of directors, in coordination with the PSJ executive board, and through the use of PSJ's funds, carried out the important task of training new Juli members and started to openly propose secession in order to tense the electoral environment and confront the different nationalities in the electorate. This strategy gave great results for PICJA's electoral victory in the Juliana Province elections in January 2005.
18. Ever since, meetings between the PICJA and executives from the PSJ became more and more frequent. Their aim was to design and implement the necessary policies for the Julian Province's secession from Austral and its annexation to the state of Julianía. Among the first decisions made was the creation of a new Police Corp for the Juliana Province ("CuPoPJ"), so that in the first months of 2005, about a thousand recruits were sent to Juliana City to receive training from the special forces of the Julianía Army. When the recruits returned to Nieva, they began training inferior rank officers of the CuPoPJ, under the supervision of a small group of Julianía's Army's officers. As a result, by August 2005, the CuPoPJ (which also had several thousand members by that moment), was fully operative and up and running under command of the executive board of the PICJA.
19. A key element in the strategy designed by the PICJA and PSJ was the seizure and control of the new ammunition facility *La Almucera*, whose production would allow the state of Julianía to increase in a significant way its military and technological capacity, which would enable Julianía to successfully face the growing competitiveness of Astral as the leading actor in the region. For that reason, once CuPoPJ was fully operative, its high command, always under control of the retired General Luis Fabiano Reyes, planned in coordination with the Joint Chief of State and the Generals at command of the Intelligence and Operations Departments of Julianía's armed forces, the seizure and control of the military facility of *La Almucera* in the Roncal Valley. Thus, on the night of September the 7<sup>th</sup> of 2005, the mission was executed successfully thanks to the early surrender of the soldiers from the Astral Army who guarded the facility; after an hour and a half of combat in which they suffered a dozen casualties.
20. The reaction of the government of Astral was not delayed; it deployed two divisions immediately to the combat zone (around 5 thousand soldiers) to recover *La Almucera* facility as quickly as possible without increasing the collateral damage. Nevertheless, when Astral troops arrived at the Roncal Valley, they found a considerable number of CuPoPJ personnel dispatched around the area in order to protect the ammunition facility and the Roncal Valley passageway. As an outcome, the 2 Astral divisions sent from Fuenmayor had to camp in the nearby

location of Caltra, about 5 kilometers from Paso de la Perdiz which rests at the entrance of the passageway into the Roncal Valley.

- 21.** Once the Astral troops arrived, members of the CuPoPJ deployed in the Roncal Valley started to arrest the Alonsos and Gallardos between 18 and 60 years old that lived in the Valley, and detaining them in the local police stations. The aim of these measures was to prevent them from joining the Astral Army. Additionally, with the aim of complicating the communication and sabotage efforts of the Astral forces, CuPoPJ cells forced Alonso and Gallardo women and children to cross the surrounding hills of the valley towards the border of the Northeastern Province. As a result, groups of Alonsos and Gallardos, with the acquiescence of Astral troops stationed in the area, burnt several Juli villages in the Caltra area.
- 22.** News of these severe human rights violations spread quickly among the four Astral provinces. As a result, a campaign of violence against Julis started in late 2005 and early 2006 in the Northwest and Southwest Provinces, but mainly in the Gallardo Province where the Juli population reached just about 10%. Dozens of Juli were slaughtered during this time by hooded persons armed with high tech rifles, hundreds of Juli were taken to military bases for interrogation (many of them were kept there during months without a formal accusation) and thousands of Juli houses were burnt down. The Astral government either promoted the aforementioned acts, or was completely unable to control the situation. As a consequence, more than ten thousand Juli nationals left their properties and belongings in the Northwest, Southwest and Gallardo Provinces and settled in the vicinities of Nieva de los Julis.
- 23.** In the Juliana Province, special units of the CuPoPJ, supported by a large number of new recruits enlisted in early September 2005, intensified their attacks against the national Alonsos and Gallardos in the surrounding areas of Nieva de los Julis and the border region with the state of Julianía.
- 24.** In response, units of the Astral Army stationed in the Caltra area, bordered the Roncal Valley and carried out an offensive attack against Nieva de los Julis. This attack particularly affected rural communities with Juli majority. Juli crops and houses were destroyed by Astral troops after defeating the minor resistance put up by Juli villagers armed with hunting rifles. To contain the attack, the government of the PSJ in Julianía doubles its financial, logistic and training support for the CuPoPJ. In addition, a higher amount of Julianía army officers were dispatched to Nieva de los Julis by the end of 2005.
- 25.** By the beginning of 2006, the level of hostility increased significantly. The news on the abuses committed by both parties reached international media and was the subject of numerous reports by international human rights organizations. Likewise, in April 2006, the

situation of the refugees worsened, reaching the United Nations Security Council. The Security Council adopted resolution 002 on April 15, 2006 whereby it requested that both parties put an end to the serious human rights violations being committed in the republic of Astral; that they conduct hostilities with due respect for international humanitarian law; and that they multiply their efforts to reach a peace agreement allowing for the arrival of a United Nations interposition force. Further, in accordance with this resolution, the Facilitation Group of the peace process was created, with the states of Boreal, Julianía, Mantra and Epanema as parties.

- 26.** On July 15, 2006, a meeting was organized in Tuguán (capital city of Epanema) between the Ministers of Foreign Affairs of the Facilitation Group, including Laura Rodríguez, Minister of Foreign Affairs for the government of Boreal. The republic of Astral was also represented at this meeting by Luis Martín (President of the Republic of Astral) and his team (Javier Rupérez, Minister of Defense of the Astralean government and Luis Carrillo, Chief of Staff of the Astral army). Javier Unagua, Luis Fabiano Reyes and their team were present on behalf of PICJA.
- 27.** Many journalists covered the event. Among them was Juan Ramón Domínguez from *The Sunday Nightly* (the widest circulating gazette in Epanema), who published an article the following day describing how Laura Rodríguez, Luis Martín, Javier Rupérez and Luis Carrillo gathered together in a small hotel outside Tuguán immediately after the meeting with the Facilitation Group. According to the article, which was based on anonymous sources, the attack that would be launched the day after by the Astral army against the Roncal Valley would have been planned at this meeting. Also, in the meeting Laura Rodríguez reportedly assured Luis Martín and his team that two laser bombs with the most advanced technology would be sent that night from Boreal to be used by the Astralean fighter planes the following day.
- 28.** According to anonymous sources referred to in the article, negotiations for the conclusion of a ceasefire were very advanced after the work session held on July 15 among the Ministers of Foreign Affairs of the Facilitation Group, the government of the Republic of Astral and the executive of the PICJA. The objective of the operation was reportedly to regain control over the armaments plant at La Almuera before the expected ceasefire agreement was reached the following day –which would necessarily entail the consolidation of the parties' positions at the moment of conclusion of the agreement.
- 29.** Within the framework of its investigation, the Court's Office of the Prosecution took a statement from Juan Ramón Domínguez. When asked whether he would be willing to appear as a witness at the confirmation of charges hearing which would deal with the so-called Almuera Operation, he said that he would be ready to testify on the condition that the journalistic privilege were fully respected in order to guarantee the protection of his sources.

- 30.** At 7.40 am on July 16, 2006, two hours before negotiations were resumed by the Facilitation Group with the government of Astral and the executive of PICJA, a fighter plane from the Astral army manufactured in Boreal launched two laser-guided bombs against the bridge over the Roncal River –where the cliff separating the Roncal Valley and the “central valley” is located. Both times, the bombs hit a passenger bus crossing the bridge during the attack, killing at least 25 people and injuring 30 more. The attack was witnessed in its entirety by Benjamín Olarte, who later gave a statement to the Prosecution.
- 31.** According to official reports from the Astral army’s Expert Committee —appointed by the Chief of Staff to investigate the incident— which was published on March 1, 2007, the attack was directed against a military target, insofar as it would encumber the retreat of the CuPoPJ located in the Roncal Valley and, at the same time, it would create a distraction from the main attack to be launched minutes later by Astralean troops against the Partridge Walk in the opposite side of the valley, which would grant direct access to the armaments plant at La Almucera.
- 32.** According to the official report of the Expert Committee, laser-guided bombs are launched from thousands of kilometers off site and their course is directed by remote control through a small screen. In this regard, the report states that the recording from the screen shows that the reaction time between the appearance of the passenger bus and the impact of the first laser bomb (6-7 seconds) was too short to redirect the bomb to an area without civilian presence and it could therefore not be concluded that the crew of the fighter plane acted with sufficient lack of due diligence so as to have incurred criminal liability.
- 33.** The official report of the Expert Committee also states that after the first impact, the fighter plane crew, realizing that the bridge –which was approximately 40 meters long– had not been destroyed, came back in the direction of the bridge and dropped a second laser-guided bomb against the end of the bridge opposite which the passenger bus had been hit the first time. Regarding the second impact, in which the bus was hit a second time, the Expert Committee could not reach an agreement as to whether the crew of the fighter plane acted with enough lack of due diligence. Further, no trace of criminal conduct was found in the behavior of the fighter plane’s crew’s superiors.
- 34.** However, in the light of the statement of Juan Polo and of information collected from various sources, the journalist Juan Ramón Domínguez from the *Sunday Nightly* published an article where he wondered why the Astral army investigation committee performed no proportionality analysis if it considered that the attack had been directed against the bridge on the Roncal River (which constituted a military target, according to the Committee itself).

- 35.** A few minutes after the second impact on the bridge over the Roncal River, units from the second infantry division of the Astral army commanded by the Colonel Augusto Ramírez Guerrero launched a surprise attack against the units of the CuPoPJ stationed at the Partridge Walk. In its first phase, the operation was successful since the CuPoPJ units were taken by surprise and could contain the attack for no more than fifteen minutes. After taking the Partridge Walk, the majority of the infantry units of the Astral army deployed in a semi-circle along the first half of the valley, so as to isolate the village of La Almuera and the neighboring armaments plant. The aim of this deployment was to prevent backup from being sent by CuPoPJ forces, which were moving in large numbers along the Roncal valley road towards the opposite end of the valley, where the Astralean fighter plane had just destroyed the bridge upon the Roncal River and exactly the point at which the CuPoPJ expected the Astralean offensive..After the deployment, some 200 elements of the elite assault units of the Astral army, supported by artillery fire from Hotwizers and 120 and 82 mm mortars, advanced directly against the village of La Almuera as a preliminary and necessary step to the assault of the neighboring armaments plant.
- 36.** The attack on La Almuera was witnessed from one of the hills surrounding the village by Joaquín Fernández Rio, who had fled his home only with the clothes he was wearing to take refuge in the bushes on a nearby hill when he heard the explosion generated by the artillery fire and saw the advance of the Astralean troops. From this point he was able to observe: (i) the first wave of the attack on the village of La Almuera by the Astralean troops; (ii) the fiercely defense put up during 48 hours by the 100 elements of the CuPoPJ stationed in the village which caused the death of ten civilians who were in their homes and were not participating in the hostilities, and the destruction of an important part of the center of the village; and (iii) the second wave of the Astralean operation –aiming at gaining control over the village after the units of the CuPoPJ had surrendered or retreated– during which Juli homes were burnt down, Juli population was expelled to the other part of the Roncal valley, half a dozen Juli men were executed although they claimed not to have taken part in hostilities and not to be members of the CuPoPJ, and at least three young Juli women were raped.
- 37.** Once the village of La Almuera was taken and secured, the Astralean troops assaulted the neighboring armaments plant. The isolated units of the CuPoPJ present there could barely resist for half an hour, as it was impossible for them to receive backup from other units of the CuPoPJ stationed in the valley at the time.
- 38.** When the news on the fall of the village of La Almuera and its armaments plant reached the central headquarters of CuPoPJ in Nieva de los Julis, orders were issued from there so that the units of the CuPoPJ still deployed in the Roncal valley would regroup near the

village of San Bartolome, a couple of kilometers away from the bridge destroyed that morning, in order to stop the advance of the Astralean troops from there. In turn, when becoming aware of this maneuver, Astralean troops secured their position around the village of La Almuera and the villages surrounding the Roncal Valley and decided to leave the assault on the valley of San Bartolomé for a better time, given the important number of CuPoPJ elements gathered there.

- 39.** Little before the working session of the Ministers of Foreign Affairs of the Facilitation Group with the government of Astral and the executives from PICJA resumed at noon –at which point the conclusion of a ceasefire agreement was expected– the news of the take over of the armaments plant by the Astral army arrived. Javier Unagua, Luis Fabiano Reyes and his team decided to cancel their attendance to the new session of the Facilitation Group and came back immediately to Nieva de los Julis. When arriving in Nieva de los Julis, Javier Unagua convened an urgent meeting with his cabinet where it was agreed to send a communication to the Prosecution of the International Criminal Court pursuant to Article 15 (1) of the Rome Statute (RS) regarding the alleged crimes against humanity and war crimes committed by the Astralean troops in the so-called Almuera Operation. Such communication took place on July 20, 2006.
- 40.** Upon learning about the submission of such communication, the government of MAAJG of the Republic of Astral held an extraordinary meeting on June 30, 2006 to analyze the situation arising from the communication submitted by the PICJA to the Prosecution of the International Criminal Court. In this meeting, the Alonsist and Gallardían majority of the government coalition decided to refer to the Court –pursuant to Articles 13 (a) and 14 RS– the crisis situation occurred as a result of crimes against humanity and war crimes committed by the PICJA government of the Julian province and by the CuPoPJ in the territory of the Julian province from the time of the attack on the armaments and explosives plant at La Almuera in September 2005. The referral was made through a letter sent to the Prosecutor of the Court on September 1, 2006.
- 41.** After the conclusion of the extraordinary meeting of June 30, 2006, Luis Martín (president of the Republic of Astral), met with his Minister of Defense (Javier Rupérez) and with the Chief of Staff of the Army (Luis Carrillo), to discuss the convenience of opening an official investigation on the way in which the Almuera operation was conducted. At the end of such meeting, an agreement was reached to have Luis Carrillo order the creation of an investigation committee regarding the most controversial part of the operation: the destruction of the bridge over the Roncal River when a passenger bus headed towards it. However, opening an investigation regarding the assault to the village of La Almuera and the neighboring armaments plant was not deemed necessary –since according to Luis Martín, the latter had generated less condemnation among the international public opinion.

In execution of the agreements reached in this session, on September 15, 2006, Luis Carrillo issued an order creating the investigation committee on the destruction of the bridge on the Roncal River and granting a period of six months for the report to be produced. The report was finally issued on March 1, 2007.

- 42.** As a consequence of the referral made by the Alonso and Gallardía majority of the government of the MAAJG of the Republic of Astral, the Juli leaders abandoned the coalition on October 1, 2006. In the following months, certain contacts took place among the moderate Juli leaders who abandoned the MAAJG, the members of the executive of PICJA and the members of the PSJ government of Julianía. These meetings lead to the design of a common strategy consisting of: (i) presentation of the ratification instrument to the RS on behalf of the government of the PSJ of Julianía on 1 January 2007; (ii) the subsequent referral on 15 March 2007, to the Prosecution of the Court of the crisis situation taking place in the territory of Astral since the stationing of Astralean troops in September 2005 in the area of Caltra in the North East of the province of Julianía; (iii) the issuance of instructions from the Minister of Justice of Julianía to the Prosecutor General of the State to investigate the probable crimes committed against Juli nationals during the situation of crisis referred to the Prosecutor of the Court –yet, in the instructions issued by the Minister of Defense of Julianía it is made clear that it is convenient to focus investigations on the material perpetrators of crimes; and that in any event, the search for links between said authors and the armed forces of Julianía does not constitute a priority.
- 43.** On April 1, 2007, the Association of Victims of the War in the Republic of Astrea (AVGRA) –which brings together Alonso, Juli and Gallardo nationals sustaining damages in the so-called Hundred Days War as well as during the crisis situation arising from the take-over of the armaments plant of La Almucera by the CuPoPJ— tired of taking part in continuous communications and referrals (which it perceived as politically motivated) to the Prosecutor, decided to send a new communication to the Prosecutor referring the crisis situations in the territory of Gallardía during the Hundred Days War, as well as the more recent crisis situation in the territory of the Republic of Astral from September 7, 2005. Further, in its letter of communication to the Court's Office of the Prosecutor sent pursuant to Article 15 RS, AVGRA emphasized the need for the Court to investigate the thousands of cases of enforced disappearance unresolved since 1995. Moreover, in its communication letter the AVGRA underlines the fact that Gallardía was among the first states to present before the UN Secretary General the ratification instrument for the RS (November 15, 2001).
- 44.** After numerous communications and referrals received, the Prosecutor of the International Criminal Court decided to proceed to the preliminary examination of the crisis situation in the territory of the Republic of Astral as a whole from 7 September 2005, pursuant to

Article 53 (1) RS and Rules 104 and 105 of the Rules of Procedure and Evidence. At the end of such evaluation, on 15 September 2007, it decided that the requirements of Article 53 (1) RS were met for the opening of an investigation in relation to the crisis situation in the territory of the Republic of Astral as a whole from 7 September 2005. Pursuant to Article 18 (1) RS, a day later States Parties to the Statute, as well as those non-member states which would normally exert jurisdiction over the crimes allegedly committed in the crisis situation in Astral, were informed of this decision. After the 30 day period provided for in Article 18 (2), and when no notification was received concerning the steps undertaken by national jurisdictions regarding the crisis situation, the Prosecution proceeded to investigate it according to Article 54 et seq RS.

**45.** On 1 November 2007, as a result of increasing concern in the government of the MAAJG in the Republic of Astral about the opening of the investigation, the president Luis Martín requested the Minister of Justice to instruct the Prosecutor General of the State to investigate the crimes allegedly committed by the members of the armed forces against Juli nationals since the beginning of the crisis in September 2005. As a consequence of such investigation, on 1 January 2008, the Prosecutor General of the State of the Republic of Astral requested an arrest warrant against three soldiers of the Astral army for the alleged rape of three Juli women after the take-over of the La Almucera village. Likewise, the Prosecutor General of the State requested an arrest warrant against Lieutenant Luis Carlos Prados, who was in charge of the battalion in the village of La Almucera, to which the three accused soldiers belonged. The arrest warrants requested were issued on 15 January 2008 and the individuals affected were immediately detained and presented to the judicial authorities in Fuenmayor, where they await the beginning of trial. Further, between November 2007 and February 2008, an additional hundred arrest warrants were issued against civilians, soldiers and mid-ranking officials in the Astralean armed forces for crimes allegedly committed against Juli nationals in the midst of the crisis situation affecting the country since September 2005.

**46.** Despite these new developments, on 1 March 2008 the Prosecutor of the International Criminal Court requested –and received on 15 March 2008 from Pre-Trial Chamber IV– an arrest warrant against the President of the Republic of Astral (Luis Martín), the Chief of Staff of the Astral army (Luis Carrillo) and the Minister of Foreign Affairs of the State of Boreal (Laura Rodriguez) for crimes against humanity and war crimes committed during the Operation Almucera:

Charge 1: War crime of attacks directed against the civilian population or objects, or in the alternative, disproportionate attacks (for the destruction of the bridge upon the Roncal River and for the attack on the village of La Almucera).

Charge 2: Crime against humanity and war crime of murder (for the death of the passengers on the bus that was hit when destroying the bridge upon the Roncal River, for the death of a dozen civilians during the hostilities in the village of La Almuera, and for the execution of a handful of civilians after the capture of the village of La Almuera)

Charge 3: Crime against humanity and war crime of rape (for the rapes occurred after the take-over of the village of La Almuera)

Charge 4: Crime against humanity of deportation (for the civilians forced to cross on foot the hills of the Roncal valley in the direction of the territory controlled by the CuPoPJ)

Charge 5: War crime of extensive destruction of property (for the destruction of the bridge on the Roncal River, for the destruction of homes during the attack to the village of La Almuera, and for the destruction of the Juli homes once control was gained over the village of La Almuera).

The modes of liability imputed to each of the accused are as follows:

- (i) The President of the Republic Luis Marin is accused of the five charges described as a co-perpetrator or indirect perpetrator pursuant to Article 25 (3) (a) RS. In the alternative, he is accused of incurring criminal responsibility of superiors pursuant to Article 28 RS.
- (ii) General Luis Carrillo is accused of the five charges described above related to the operation of infantry and artillery of the Astral army against the village of La Almuera (he is not accused for crimes related to the destruction of the bridge upon the Roncal River) as a co-perpetrator or indirect perpetrator pursuant to Article 25 (3) (a) RS. In the alternative, he is accused of said crimes as an accessory participant for having "ordered" them pursuant to Article 25 (3)(b) RS. Finally, as a third alternative, he is accused of incurring in criminal responsibility of superiors pursuant to Article 28 RS.
- (iii) Laura Rodriguez is accused only of charges one, two and five as related to the destruction of the bridge upon the Roncal River through the use of high technology laser bombs provided for the by the State of Boreal the previous day. These charges are leveled as a co-perpetrator pursuant to Article 25 (3)(a) RS. In the alternative, the charges are also leveled as an accomplice pursuant to Article 25(3)(c) or (d) RS.

47. One month and a half later, on 30 April 2008, the Prosecution presented its charging document and List of evidence (subsections A

and B of the List, for documentary and testimonial evidence, respectively) whereby the President of the Republic of Astral (Luis Marin), the Chief of Staff of the Army of Astral (Luis Carrillo) and the Minister of Foreign Affairs of the State of Boreal (Laura Rodriguez) are charged with the same charges of crimes against humanity and war crimes set forth in the arrest warrant.

- 48.** Following the 30 day period set forth in Rule 121 of the Rules of Procedure and Evidence (RPE), Pre-Trial Chamber IV set the beginning of the confirmation hearing for 22 August 2008.