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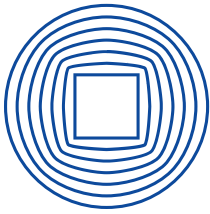
10
YEARS

ICLU
Erlangen-Nuremberg

International Criminal Law
Research Unit of the FAU

Nuremberg Moot Court 2025

Case



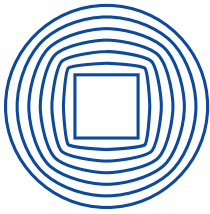
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Introduction

This is a fictional case before the International Criminal Court (ICC). Pursuant to the Rules of the Nuremberg Moot Court 2025, participating teams will represent both (1) the Office of the Prosecutor (OTP) and (2) the Defence.

Participating teams shall prepare two written memoranda and plead before ICC Pre-Trial Chamber I (PTC I). The written submissions and respective pleadings shall follow the agenda for the PTC I hearing and address all the issues relevant to the case below.

Written memoranda must be submitted by 7 April 2025, 11.59 pm CEST. The oral rounds will be held on site in Nuremberg, Germany between 23 and 26 July 2025.

The Prosecutor v. Mr Jasper Rhodes

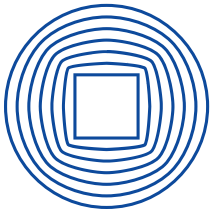
Procedural History

- 1) On 18 April 2022, the state of Raspia (a State Party to the Rome Statute) referred the situation on its territory between 20 January 2012 and 31 January 2022. On 16 May 2022, the OTP of the ICC opened an investigation into the Situation in Raspia.
- 2) On 23 September 2022, Pre-Trial Chamber I issued a warrant of arrest and subsequent surrender against Jasper Rhodes for the crime of direct and public incitement to genocide and for the crimes against humanity of persecution and torture allegedly committed between 20 January 2012 and 31 January 2022.
- 3) On 30 September 2024, the OTP requested the Pre-Trial Chamber to hold a confirmation of charges hearing *in absentia* for Mr Rhodes, pursuant to article 61(2)(b) of the Rome Statute.
- 4) On 29 November 2024, the Pre-Trial Chamber appointed defence counsel for Mr Rhodes and called for a status conference to be held with both Prosecution and Defence from 23-26 July 2025 on the question of an *in absentia* confirmation of charges hearing.
- 5) On 3 February 2025, the Defence requested that two items be added to the agenda of the status conference:
 - 1) Whether Mr Rhodes' previous conviction in Raspia for the crime of hate speech renders the case inadmissible before the ICC and/or renders any prosecution before the ICC a violation of the *ne bis in idem* principle and
 - 2) Whether there are substantial grounds to believe that Mr Rhodes is criminally liable for the crime of direct and public incitement to commit genocide.
- 6) The Pre-Trial Chamber agreed to this Defence request on 17 February 2025.

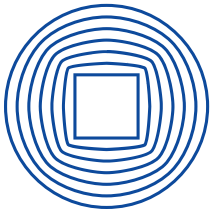


Facts

- 7) Jasper Rhodes was President of Rasia from 20 January 2012 to 31 January 2022. He is a national of Rasia and a member of the Rasian religious group.
- 8) Rasia is a middle-income country that ratified the Rome Statute on 1 March 2010. It has a population of approximately six million inhabitants. It is bordered to the east by the sea and to the west, south and north by the nation of Croyla (also a state party to the Rome Statute). Croyla has a population of approximately 20 million inhabitants. Nationals of both States speak English as a native language.
- 9) The people of Rasia primarily practice two distinct religions. Sixty percent of the population practice the Rasian religion that worships a god called Osin. Thirty percent of the population practice the Adrelan religion that worships a god called Adis. The Adrelan religion is also practiced by 80% of the population in Croyla. The remaining 10% of the population in Rasia practice a variety of smaller religions or no religion at all.
- 10) Historically, the Adrelan religious minority in Rasia has had significant economic power due to significant natural resource deposits in the region of the country in which they are a majority of the population. This region is near the border with the State of Croyla to the south of Rasia and is called Arania. This economic power has generally been accompanied by political power and members of the Adrelan religious minority have served in key roles in governments throughout the history of Rasia, including serving as President in half of all administrations before 2012.
- 11) Jasper Rhodes rose to power in a democratic election in 2011 on a promise of "Rasia for the Rasians" and restoring those who practiced the Rasian religion into economic and political power. In his campaign, he decried the previous power held by the Adrelan religious minority as "rich outsiders dictating how true Rasians live their lives." He won in a landslide of the Rasian religious group and his party, the Patriots for Rasia party, won a majority in the national parliament.
- 12) Upon taking office in January 2012, Rhodes removed from office all federal civil servants who did not practice the Rasian religion and instituted a requirement that anyone holding a government position profess the Rasian faith. He also instituted programmes favouring those who practiced the Rasian religion in higher education and all sectors of the economy. In higher education, he instituted requirements that all deans of all public universities profess the Rasian faith and that at least 70% of all graduating classes be of the Rasian religion. Similar requirements were instituted regarding the leadership and employees at all publicly traded companies.
- 13) In the ten years that Rhodes served as President, restrictions on the ability of those who did not profess the Rasian faith increased. Believers in other religions were forbidden from owning shares in publicly traded companies, forbidden from holding leadership positions in any non-profit or for-profit organisation, forbidden from attending the five best universities in the country and forbidden from holding any public sector positions at any level of government. The Adrelan religious group were particularly affected by these restrictions as they had previously held high-level positions throughout the country and held significant shares in lucrative natural resource extraction companies.
- 14) A growing resistance began to emerge amongst the Adrelan religious group in Rasia. On 23 October 2020, peaceful protests were held outside many government buildings in the region of Arania. Federal government troops cracked down extensively on these protests, dispersing them forcefully and arresting 30 major leaders of the resistance group. Family members of those arrested leaders who were able to see them briefly in jail reported that they had been subjected to electric shock treatment and sleep deprivation while in jail. Those arrested leaders remained in detention indefinitely and without trial.



- 15) In response to these arrests, certain members of the Adrelan religious community decided that peaceful protest was not the solution to their problems and began to resort to more violent means. They established a group simply called “the Resistance” whose stated mission was “the restoration of Adrelan rights by any means necessary.” They began by placing bombs outside the six jails in which the arrested protest leaders were held on 5 November 2020. These bombs did not result in the release of the arrested protestors and instead resulted in the death of four civilians and injuries to a further 20 civilians. Nonetheless, the Resistance continued to plant bombs at key government locations such as federal ministry buildings, branches of the national bank and city halls throughout the country. Between November 2020 and November 2021, 72 bomb attacks were conducted on these targets, 216 people lost their lives in these bombings and 2,000 people were injured.
- 16) On 3 March 2021, in a raid on the Resistance’s secret headquarters, the Raspian government arrested five key members of the Resistance. Family members of these arrested members who were able to see them briefly in jail reported similar treatment as that that the arrested protest leaders were allegedly subjected to. They reported similar electric shock treatment and sleep deprivation while in jail. These arrests did not slow down the bombings as other members of the Resistance took on the roles of those detained.
- 17) Throughout the period of these bombings, Rhodes’ rhetoric about the Adrelan religious group became increasingly forceful. He took to social media site Babblr to voice his outrage at the bombings and make more general statements against the Adrelan religious group (see Exhibit 1). This rhetoric reached an apex on 10 December 2021 when he used his monthly television address to the nation to directly confront what he called the “Adrelan problem”. In this speech, he said:
- Over the past year, we have seen that our Adrelan neighbours are incapable of living side-by-side with us. Their taste for violence and need to destroy everything that isn’t their’s makes it impossible for this country to survive with them in it. We have always accepted them as full citizens and members of our society and they repay us with random violence against innocent civilians. We can no longer walk our streets in safety and constantly fear when the next bomb may go off. This cannot stand! We, as patriotic Raspians who believe in the peace and love that our god Osin teaches us, must remove this plague of violence from our streets through any means necessary. As Osin teaches us, sometimes peace and love must be protected by force.
- 18) One week later, on 17 December 2021, the armed forces of the neighbouring nation of Croyla invaded Raspia with the intention of deposing Rhodes’ government to protect the Adrelan religious minority from what it saw as an impending extermination of the community. After a month and a half of intense fighting between the technologically more advanced Croylan army and the Raspian army, the Croylan army took control of the President’s Mansion in Raspia and detained President Rhodes and his closest advisors on 31 January 2022. However, the Croylan army was unable to conquer the region of Eskos in the northeast of Raspia and armed conflict continues to rage there as the current government of Raspia attempts to take control.
- 19) After taking control of the capital city (named Brolin) and the Presidential Mansion, the Croylan government ordered the release of the detained Adrelan religious leaders who had been arrested during their peaceful protest. They then appointed Talia Andrews, leader of the Adrelan religious community in Raspia as interim President of Raspia. Croyla withdrew its forces from all parts of Raspia except for the region of Eskos where they remained at the invitation of the new government of Raspia to fight the growing insurgency there.



Domestic Trial of Jasper Rhodes in Raspia

20) Keen to uphold Raspia's human rights obligation not to detain persons indefinitely without charge or trial, the new government of Raspia charged Rhodes with hate speech on 7 February 2022. The domestic law under which Rhodes was charged reads as follows:

Whoever, in a manner suited to causing a disturbance of the public peace,

1. incites hatred against a national, racial, religious group or a group defined by their ethnic origin, against sections of the population or individuals on account of their belonging to one of the aforementioned groups or sections of the population, or calls for violent or arbitrary measures against them or
2. violates the human dignity of others by insulting, maliciously maligning or defaming one of the aforementioned groups, sections of the population or individuals on account of their belonging to one of the aforementioned groups or sections of the population.

21) On 24 March 2022, Rhodes was convicted on this charge by the District Court of Brolin and sentenced to five years in prison. However, Rhodes appealed this decision to the Appeals Court of Brolin, whose judges he had appointed only two years before and who were known to be loyal to him. On 31 March 2022, the Appeals Court upheld his conviction but reduced his sentence to the time that he had already served in detention, which was three months. The Prosecutor decided not to appeal the case further to the Supreme Court as that Court was also staffed by judges appointed by and considered to be loyal to Rhodes.

Disappearance of Jasper Rhodes

22) Upon his release from prison, Jasper Rhodes joined the members of the Raspian religious community in the region of Eskos who were continuing to fight against the new central government of Raspia. However, his exact whereabouts are unknown and there are rumours that he has left Raspia entirely and fled to one of several nearby countries. In particular, it is rumoured that he has fled to the nation of Prala, which borders Croyla to the South and has a long-standing animosity with Croyla (see map in Exhibit 3).

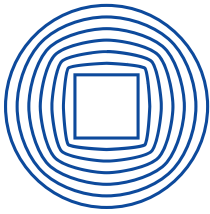
23) Prala is not a state party to the Rome Statute. The official language of Prala is English; however, groups in rural areas of the country speak Pralan as a native language and only those with a higher education are likely to fully understand and speak English. Prala has a population of around 15 million inhabitants.

ICC Referral

24) On 18 April 2022, as part of the new Raspian government's attempts to come to terms with the crimes allegedly committed during Jasper Rhodes' time as President, it referred the situation on its territory between 20 January 2012 and 31 January 2022 to the ICC.

Agenda for Pre-Trial Chamber I

- 25) The established agenda for Pre-Trial Chamber I's status conference in the case against Mr Jasper Rhodes is as follows:
- i. Whether all the requirements for the confirmation of charges hearing against Mr Rhodes to be held *in absentia* have been met;
 - ii. Whether Mr Rhodes' previous conviction in Raspia for the crime of hate speech renders the case inadmissible before the ICC and/or renders any prosecution before the ICC a violation of the *ne bis in idem* principle;
 - iii. Whether there are substantial grounds to believe that Mr Rhodes is criminally liable for the crime of direct and public incitement to commit genocide.



Evidence Exhibits

Exhibit 1: Jasper Rhodes' Social Media Posts on Babblr

Jasper Rhodes ✓
@Rhodes.Jasper • Nov 7, 2020

Raspia citizens have a right to self defence against the terrorists who are bombing us.

456 829 2k

Jasper Rhodes ✓
@Rhodes.Jasper • January 14, 2021

Our soldiers are fighting to protect us from the Adrelan threat. We, as Raspia citizens, must do everything we can to support them, even if that means taking up arms.

332 915 2k

Jasper Rhodes ✓
@Rhodes.Jasper • June 10, 2021

Raspia should only count civilians devoted to Osin. Any other faith is barbarism. Barbarism means disrespect for our God and a threat to our families. Barbarism must be neutralised.

589 1k 10k

Jasper Rhodes ✓
@Rhodes.Jasper • Sept 11, 2021

It is only a matter of time before we defeat them. How can we help? Fight all the terrorists in your neighbourhood. Raspian's safety depends on it.

11k 13k 20k

Jasper Rhodes ✓
@Rhodes.Jasper • Oct 20, 2021

The Adrelan oppression has lasted long enough. We will no longer tolerate their violence. We rebel, whatever the cost.

10k 1.8k 12k



Exhibit 2: Report on Efforts to Locate Mr Jasper Rhodes and Inform Him of the Charges Against Him

Registry of the International Criminal Court 24 April 2025

Introduction

On 29 November 2024, Pre-Trial Chamber I requested that the Registry of the International Criminal Court (ICC or the Court) submit a “comprehensive report detailing all efforts to locate Mr Jasper Rhodes and inform him of the charges against him from the time that an arrest warrant was issued for him to the date that the report is submitted”. This report contains a narrative description of the relevant activities undertaken by the Registry both alone and in collaboration with other institutions.

ICC Website

On 23 September 2022, the Registry of the Court posted two prominent news stories on the homepage of the ICC website that related to the issuance of the warrant of the arrest. The first contained a press release briefly describing the issuance of the warrant with a public redacted version of the warrant itself attached. The second was a statement of the ICC Prosecutor in written form with a link to a video posted on the ICC’s YouTube channel. In addition, it added Mr Rhodes to the list of Defendants on the “Defendants” page of the ICC website and created a page dedicated to his case that contains a summary of the case, a PDF of FAQs on the case and links to all relevant court documents (including the warrant of arrest).

The dedicated page on the ICC website has been updated continuously and now contains links to all documents filed in this case, including the Document Containing the Charges. Additionally, on 30 September 2024, a news story was placed prominently on the homepage of the ICC website announcing the decision of the Office of the Prosecutor to seek a confirmation of charges hearing *in absentia*.

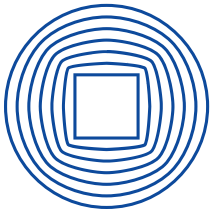
Social Media

The Registry also utilised the ICC’s account on social media site Babblr to publicise the case against Mr Jasper Rhodes. On 23 September 2022, it posted a “Babble” announcing the issuance of the warrant of arrest for Mr Jasper Rhodes and linking to the news story on the ICC’s website.

On 30 September 2024, it announced the request for a confirmation of charges hearing *in absentia* in a similar Babble that also linked to the relevant news story on the ICC homepage. Between 30 September 2024 and today, it posted a Babble reiterating the fact that the ICC was actively looking for Mr Jasper Rhodes to inform him of the charges against him on a weekly basis.

Traditional Media

On 3 October 2024, the Registry Spokesperson gave a press conference at the premises of the Court in which he spoke about the Rhodes case. He explained the process for holding a confirmation of charges hearing *in absentia*, the background on Jasper Rhodes’ case and a summary of the Document Containing the Charges against Jasper Rhodes. His statements were published in several international news media outlets, the main national newspapers in Raspia, Croyla and Prala and the main regional newspaper in Eskos.



Official Communication with Governments

On 23 September 2022, the Registry transmitted the warrant of arrest for Mr Jasper Rhodes to the governments of Raspia, Croyla and Prala through official diplomatic channels. In response, the governments of Raspia and Croyla advertised the warrant in their country's respective online national gazette posted on the website of their Ministry of Justice, along with other outstanding warrants of arrest in their country. The government of Raspia also attempted to serve the warrant at Jasper Rhodes' last known address in Brolin but found the house empty. The government of Prala made no public or official response to the transmission of the warrant.

On 30 September 2024, the Registry transmitted the Document Containing the Charges against Mr Jasper Rhodes to the same governments through the same channels with a cover note announcing the request by the Prosecutor to hold a confirmation of charges hearing *in absentia*. On that same day, the Registry's Regional Office based in Brolin requested meetings with all three governments on the subject of locating Mr Jasper Rhodes and informing him of the charges against him.

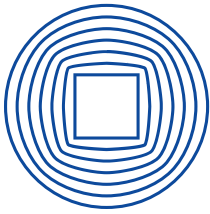
A meeting was held between the Director of the Registry's Regional Office and the Deputy Minister of Justice of Raspia on 2 October 2024, in which various methods of communicating the charges were discussed. A similar meeting was held between the Director of the Registry's Regional Office and the Deputy Minister of Justice of Croyla on 10 October 2024. Official press conferences were held after both meetings that were broadcast on national television stations. The government of Prala did not respond to the Registry's meeting request.

Podcast Appearances

One outcome of the meetings held between the Registry's Regional Office and the government officials in Raspia and Croyla was a decision to utilise specific podcasts that were known to be listened to by persons sympathetic to Mr Rhodes and to the cause of "Raspia for the Raspians". Specifically, the Raspian government officials suggested a podcast entitled *Raspia on the Record* with a reach of nearly two million listeners, mainly based in the Raspian region of Eskos and also including communities just across the border in Croyla. The Croylan government officials suggested a podcast entitled *Prowling Prala* that reaches nearly four million listeners in the border area between Croyla and Prala.

On 6 November 2024, an outreach officer in the Registry's Regional Office made a 15-minute appearance on an episode of *Raspia on the Record* in which she announced the facts that there was an arrest warrant out for Jasper Rhodes and that the Office of the Prosecutor was seeking to hold a confirmation of charges hearing *in absentia*. She also read out a summary of the Document Containing the Charges and stated that the full Document was available on the ICC website. The written description of the podcast contained a link to the ICC webpage dedicated to the Rhodes case. The podcast episode was entirely in English.

On 20 November 2024, the same outreach officer also appeared on an episode of *Prowling Prala*. She delivered identical content to what she had delivered in the *Raspia on the Record* podcast in English. The only difference was the addition of a ten-minute segment in the Pralan language that contained a summary of the Document Containing the Charges.



Meetings in the Relevant Communities

As a follow-up to the podcast episodes, the Registry's Regional Office organised two in-person meetings with communities sympathetic to Jasper Rhodes. The first meeting was held on 4 February 2025 in a town in Raspia near the region of Eskos. It was decided that the security situation in the region of Eskos would not allow for a meeting to be held there but that holding a meeting in a nearby town would allow people residing in Eskos to easily access the meeting. Forty-six people, including members of the group that was fighting to take back Raspia from the new government and reinstate Jasper Rhodes as president, attended the meeting. At the meeting, the Registry officials provided the same information as had been provided in the podcast episodes and answered questions from the audience.

A similar meeting was held on 20 February 2025 in Croyla near the border with Prala. In this case, the lack of cooperation from the government of Prala prevented the meeting from being held in Prala but residents of Prala were able to cross the border to attend the meeting. Sixty-two people attended this meeting, which included members of the Raspian religious community in Prala and Croyla who had familial ties to Jasper Rhodes. The meeting took the same form and delivered the same content as the meeting on 4 February 2025 in Raspia.

Exhibit 3: Map of Raspia and Surrounding Countries



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