

SITUATION IN THE REPUBLIC OF STYRLAND

PROSECUTOR V. ALBERT MACKENSON

Instructions

1. Proceedings: The hearing takes place in the jurisdiction of the International Criminal Court ('ICC') at the "confirmation of charges" stage pursuant to Article 61 of the 1998 Rome Statute of the ICC ('Rome Statute'). At this stage, the Prosecutor must "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 "challenge the evidence presented by the Prosecutor".

2. Facts and evidence: The case is entirely fictional. The Statement of Agreed Facts includes all the facts supported by evidence that have been transmitted to the Defence, as well as facts and evidence presented by the Defence. 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 Rome Statute is not applicable). Teams may nonetheless draw reasonable inferences from the facts. They may also question the credibility or weight of the evidence.

3. Procedure: The problem is not intended to raise questions of procedure other than the rights of the accused pursuant to Articles 66 and 67 of the Rome Statute. Any other procedural questions should be ignored.

4. Jurisdiction and admissibility: Counsel may, if relevant, address issues of conflict classification or gravity. Any other issues of jurisdiction and admissibility should be ignored.

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

1. 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.

2. The Court may apply principles and 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 head note and the portion of the transcript or judgment referred to in their argument.

Indicative Authorities and Research Material

International Criminal Court

- a) Rome Statute of the International Criminal Court (1998):
[http://legal.un.org/icc/statute/english/rome_statute\(e\).pdf](http://legal.un.org/icc/statute/english/rome_statute(e).pdf)
- b) Elements of Crimes under the Rome Statute: <https://www.icc-cpi.int/nr/rdonlyres/336923d8-a6ad-40ec-ad7b-45bf9de73d56/0/elementsofcrimeseng.pdf>

Basic IHL Documents

- a) IHL Treaties: <https://ihl-databases.icrc.org/ihl>
- b) Customary IHL: <https://ihl-databases.icrc.org/customary-ihl/>
- c) ICRC Commentaries to the Geneva Conventions and its Additional Protocols:
<https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>

Cases

- a) International Criminal Tribunal for the Former Yugoslavia:
<http://www.icty.org/en/cases/judgement-list>
- b) International Criminal Tribunal for Rwanda cases: <http://unictr.unmict.org/en/cases>
- c) International Criminal Court: <https://www.icc-cpi.int/cases>
- d) International Court of Justice: <https://www.icj-cij.org/en/decisions>

Statement of Agreed Facts

1. The Republic of Styrland is a land-locked state, divided in the middle by the Styr river, with a population of 20 million. It consists of two regions, Westmark and Ostmark, with its capital Unterstyr located in Westmark on the river Styr. Westmark, on the west of the river, is characterized by fertile plains, in which most of the cities are located. Economically, the area is focused on agriculture, industry and trade with the neighbouring States. Ostmark, on the east of the river, has a geography which is characterized by hills and mountains, historically important for coal and iron mining. People live in smaller, remote and isolated communities, with Uberstyr being the only major city in the region. Ostmark is bordered in the east by the Grand Duchy of Cilli.

2. Mr. Albert Mackenson was born in 1958. He is a former colonel and commander of the Styrian National Hussar Guard. He comes from a long line of military figures with distinguished careers in the military and the National Hussar Guard. Although his family originates from Westmark, he spent most of his youth in Ostmark, where his father, a captain in the National Hussar Guard, was stationed. During that time, he went to a school run by a monastery and became familiar with the Ostmark way of worshipping Ashti. When he became 16 years old, his family moved back to Unterstyr, but he regularly visited Ostmark for holidays. During one of his holidays, he met his wife, an inhabitant of Ostmark. Colonel Albert Mackenson started his career at the age of 21 in the Styrian defence force, but transferred after 15 years to the National Hussar Guard. He quickly rose through the ranks and became commander of the National Hussar Guard at the age of 45.

The National Hussar Guard

3. The National Hussar Guard has a number of roles, one of which is the national police of Styrland, whose task is to support the local police forces. Historically, the National Hussar Guard was a military unit, which in peacetime was tasked with police duties. It took part in many battles in the 19th century and fought in both World Wars. The names of the casualties during armed conflicts are displayed on a wall in its headquarters in Unterstyr. In 1998, the National Hussar Guard was reformed and became primarily a police unit. According to Article 2 of the Organic Law on the Police, the tasks of the National Hussar Guard are:

- 1) Supporting the local police in maintaining peace and security, especially in case of riots;
- 2) In areas without local police presence, operate as local police force;
- 3) Investigate organized crime and radical groups;
- 4) Protect the Republic of Styrland against domestic and international terrorist attacks;
- 5) Provide relief and security in case of national emergency caused by disasters;
- 6) Operate as counterinsurgency force in case of rebellion;
- 7) Assist the armed forces in the defence of the territory in case of war;
- 8) Any other duties as may be required by the Ministry of the Interior or the Ministry of Defence.

4. Currently, the National Hussar Guard is under the authority of the Ministry of the Interior, but in cases of insurgency and war will be transferred to the Ministry of Defence. Its members may come from civilian walks of life or from the military. All personnel have to undergo military training besides police training. Because of its experience in both military and police matters, the National Hussar

Guard has equally joined UN peacekeeping missions and its professionalism and discipline have been widely praised. The National Hussar Guard has a special anti-terrorist unit and possesses armoured cars and vehicles, helicopters and military-grade firearms and protection. It is also equipped with unmanned aerial vehicles (UAVs). Although the UAVs can be weaponized, if needed, the UAVs are mainly used for surveillance and intelligence gathering. For instance, UAVs have been successfully employed in the mountains and forests of Ostermark to combat smuggling, illegal immigration, and poaching of endangered species. The UAV operators are primarily trained in civilian uses of the UAVs, but receive annually a weeklong training in simulators to operate UAVs in military conflicts.

5. Because of the small and isolated nature of many communities in Ostmark, the National Hussar Guard operated as the local police force in towns and villages in the region. However, public order and security in those towns and villages have traditionally been maintained by private militias, consisting of local armed volunteers. In the 19th century, the government of Styrland failed to replace the local, private militias with detachments of the National Hussar Guard, which led the population of Ostmark to distrust the National Hussar Guard.

6. Colonel Albert Mackenson reformed the National Hussar Guard and started outreach programmes to communities in Ostmark, which lowered the existing distrust in the National Hussar Guard. In particular, he required that units of the National Hussar Guard stationed in Ostmark were mostly staffed with either inhabitants of Ostmark or originated thereof; and members of the National Hussar Guard in Ostmark who came from Westmark, had to familiarize themselves with the local dialect, practices and customs of Ostmark. The outreach convinced the local, private militias to work with the National Hussar Guard. The existing local private militias were integrated in the National Hussar Guard as Auxiliary Guard Units, and, in this capacity, received police training and minimal military training.

The Worship of Ashti

7. The inhabitants of Ostmark and Westmark share the worship for the goddess Ashti, a fertility goddess and avatar of nature. Nonetheless, differences in worship exist between the inhabitants of Ostmark and Westmark. The inhabitants of Ostmark more closely associate the goddess with the forest and mountains, whereas in Westmark the goddess is more closely associated with the heaven and sun. In Ostmark, worship of Ashti is done outdoors at shrines in woods and mountains, in small gatherings, led by a priestess. In Westmark, the worship takes place indoors, in large temples, with the ceremony led by a priest. Worship in Ostmark takes place on Saturday, whereas the day of worship in Westmark is Sunday.

8. In 1651, the prophetess Adariel preached in both Ostmark and Westmark, urging followers of Ashti to leave behind their worldly possessions and to isolate themselves in monasteries to meditate in order to become one with Ashti. The teachings of Adariel never received many followers in Westmark, which was focused on trade and commerce, but became highly influential in Ostmark, in which Adariel is considered the last great prophetess of Ashti. As a result, isolated monasteries have sprung up since then in Ostmark. The inhabitants of Ostmark have the custom to annually retreat to these monasteries for meditation. Over time, the monasteries opened boarding schools for children under 12 whose parents had to work long hours in mines. The practice of sending children to boarding schools in monasteries continued after the mining industry came to a halt, with many parents in Ostmark moving to Westmark for work.

9. To this day, scholars in religious studies and anthropology discuss whether the worship of Ashti in Styrland should be regarded as one, overarching religion, with different manifestations, or two separate religions, with a common root. A majority of scholars in anthropology consider that the worship of Ashti has evolved in two separate religions. Specifically, those scholars hold that the manner of worship, the rejection of Adariel and her teachings, the importance of monasteries in Ostmark constitute significant differences that have led to a split in the religion.

10. Contrariwise, the majority of scholars in religious studies still regard the worship of the goddess as one and the same religion. Those scholars are of the opinion that, despite the differences in worship, all inhabitants in Styrland worship the same goddess, just different manifestations thereof. In addition, inhabitants of Westmark and Ostmark still understand each other's rituals, incantations and sermons. The major difference is the acceptance of the teachings of Adariel, but those scholars argue that her teachings did not introduce theological tenets, but advocated a way of life to come closer to Ashti.

11. The population in Styrland has generally been tolerant of both ways of worshipping Ashti and over the centuries few religious clashes have occurred. Nonetheless, a small minority in both Westmark and Ostmark consider each other to be heretics. In Westmark, a radical group of worshipping Ashti is the Zealots of Ashti, led by High Priest Mr. Johannes Essing. The group believes that natural disasters are a punishment from the goddess Ashti for deviation of the creeds of the religion or for sinful behaviour. In particular, the group regards the Ostmark way of worshipping the goddess as heretic that will bring doom and destruction over Styrland.

12. In a number of sermons Mr. Johannes Essing has called the worship of Ashti in Ostmark "degenerate", "blasphemous" and "an insult to the goddess, for which Styrland will have to receive just retribution". He furthermore stated that "the goddess will only be pleased if the last heretic has been eradicated from Styrland"; that "it is our holy duty to destroy the heretic worship of Ashti in Ostmark by purging the souls of the corrupt". Mr. Johannes Essing also attacked the monasteries in Ostmark and their schools as "cesspits in which the souls of innocent children are corrupted with blasphemous teachings" and called upon the government to "close down these schools and remove innocent and impressionable children from the clutches of wicked and vile monks to save them from eternal damnation."

Political Situation in the Republic of Styrland

13. In the 1980s the mining of coal and iron in Ostmark declined and the last mine closed in 2005. Because of the decline in mining and the resulting high unemployment levels, the population in Ostmark has gradually declined, with inhabitants moving to the cities in Westmark to work in industry. Politically, this had a significant impact as the 200 seats of the Styrian Parliament are allocated on the basis of population density. The Styrian National Party, which has strong presence and support in Westmark, came to dominate the political landscape, to the detriment of the Styrian Democratic Party, whose political base is primarily located in Ostmark.

14. After winning the elections in 2012, the Styrian National Party appointed Otto Kahr as President and head of the government. President Otto Kahr identifies as a moderate Westmark worshipper of Ashti. Initially, his government and its policies were popular with large segments of the population in Westmark and Ostmark. During his first term, the GDP of Styrland rose by 3.7 percent annually. In the 2016 elections, the Styrian National Party, riding on the popularity of the government of President Otto Kahr, won 130 seats in the Styrian Parliament.

15. On 16 March 2018, a powerful earthquake struck Styrland and caused devastating damage in Westmark. Many buildings in the capital Unterstyr were flattened with casualties running in the 100,000s. Diseases broke out among the population, further increasing the death toll. Among the casualties were the wife and two young children of President Otto Kahr. Local media sources reported that the President was devastated by the loss and sought spiritual guidance from Mr. Johannes Essing.

16. On 11 April 2018, Mr. Johannes Essing is officially appointed as the spiritual counsel of the President. Records of cabinet meetings indicated that in April of 2018, Mr. Johannes Essing is frequently present at cabinet meetings. On 2 May 2018, President Otto Kahr announced a reshuffling of his cabinet. To the surprise of many Mr. Johannes Essing was appointed as minister for education, replacing Ms. Harrieth Schmidt. On 17 October 2018, President Otto Kahr presented a bill in the cabinet to prohibit the monasteries in Ostmark to provide education. The next day, after media reports on the proposal, crowds in Ostmark organized protests and sit-ins, with monks and priestesses playing a key role in organizing the protests. Government offices in Uberstyr were occupied, but vacated after negotiations between the protesters and officers of the National Hussar Guard.

17. On 22 October 2018, the Styrian Democratic Party adopted a motion for a vote of no confidence. The former Minister of Education, Ms. Harrieth Schmidt, convinced the moderates in the Styrian National Party to break away and support the motion. The motion succeeded and new elections were scheduled to be held on 23 December 2018. On 27 October 2018, Ms. Harrieth Schmidt announced that she created the Styrian Reform Party, consisting of moderates from the Styrian National Party. On 30 October 2018, Mr. Johannes Essing declared the formation of a new party, the Styrian Party for Salvation.

18. In the weeks before the election, supporters of the Styrian Party for Salvation physically intimidated the candidates and supporters of the Styrian Democratic Party and the Styrian Reform Party. In addition, state owned media significantly reduced airtime for the Styrian Democratic Party and the Styrian Reform Party. On the day of the election, voting irregularities were reported all over Styrland, with voters turned away at the polls, the early closing of polling stations and unexplained problems with voting computers. On 26 December 2018, the official results were declared: the Styrian National Party won 70 seats, the Styrian Democratic Party 68 seats, the Styrian Party for Salvation 32 seats, and the Styrian Reform Party 30 seats. President Otto Kahr and Mr. Johannes Essing immediately declared that they will form a coalition government, with Mr. Johannes Essing becoming the Minister of Defence. Ms. Harrieth Schmidt and Mr. Barthold Berg, the leader of the Styrian Democratic Party and former Major in the Styrian armed forces, refuse to concede the election and, citing the many irregularities, declared themselves the winners of the election. They announced that they will form a coalition government, which they regard as the legitimate government of Styrland.

Uprising in Ostmark

19. On 28 December 2018, in a televised address, President Otto Kahr declared a state of emergency because of the sedition by the Styrian Democratic Party and the Styrian Reform Party and ordered the arrest of all members of both parties. Under the state of emergency, constitutional rights, including the right of freedom of speech and the right of association, were suspended. The same day, officers of the National Hussar Guard raided the offices of both parties and arrested those present. Ms. Harrieth Schmidt, Mr. Barthold Berg, and the leadership of both parties were warned by an

anonymous high-ranking officer within the National Hussar Guard of the coming arrest and managed to escape.

20. In response to the state of emergency and the arrests, on 3 February 2019, religious leaders in Ostmark met in a secret location. The conclusions of the meeting were posted on social media. In the conclusions, the religious leaders called upon the inhabitants of Ostmark to defend their right to religious worship. Furthermore, they urged all citizens of Styrland to resist the illegal government of President Otto Kahr to restore democracy and the rule of law in Styrland. Finally, the religious leaders pledged support to the coalition of the Styrian Democratic Party and Styrian Reform Party. On 5 February 2019, Ms. Harrieth Schmidt and Mr. Barthold Berg, in a video message uploaded on the internet, welcomed the support of the religious leaders and promised to defend the religious liberty of all citizens of Styrland. They further announced the creation of the Styrian Democratic Government (SDG), with Ms. Harrieth Schmidt as President and Mr. Barthold Berg as Minister of Defence.

21. In the days and weeks after, massive protests and riots broke out over Ostmark and in parts of Westmark. Whereas the National Hussar Guard managed to suppress the riots in Westmark, the National Hussar Guard Units in Ostmark and the Auxiliary Guard Units defect to the SDG. Most officers from Westmark in these units refused to join the SDG. Their weapons were confiscated, but they were allowed to leave and return to Westmark. The armed forces in Styrland, which are dominated by officers from Westmark, remained loyal to the government of President Otto Kahr, with the exception of the 5th and 8th Infantry Regiment, stationed near Uberstyr, which joined the SDG. In addition, individual soldiers from Ostmark left their units to join the forces of the SDG. At the end of February, the government of President Otto Kahr had lost control over the totality of Ostmark.

22. On 26 February 2019, Minister of Defence Johannes Essing addressed the nation on television and online. He demanded the unconditional surrender of the treacherous SDG and their supporters. He also attacked the religious leaders in Ostmark for their support of the SDG. He labelled them “perverters of souls who have spread devious ideas among the people of Ostmark and who will have to pay the ultimate price” and blamed them for the disasters that had befallen Styrland. “It is only when these vile men and women and their devious worship are uprooted from Styrland, that the goddess Ashti will bestow us with her blessings”. He concluded his speech by urging the nation to pray to the goddess for a swift end to the uprising.

23. During March 2019, because of his military background, the SDG tasked Minister of Defence Barthold Berg with the reorganization of the different units under SDG control. The SDG had at its disposal 7,000 military forces comprised of the 5th and 8th Infantry Regiments and deserters from the Styrian armed forces. In addition, the SDG controlled 10,000 former National Hussar Guard officer and 30,000 Auxiliary Guard Units. The captured equipment consisted of military-grade firearms, mortars, 50 artillery pieces, 150 APCs, 80 light and medium tanks and 25 helicopters. The SDG and military commanders realized they are heavily outnumbered and outgunned and decided to destroy the main bridges over the river and to fortify the banks of the Styr River on the Ostmark side. A number of Auxiliary Guard Units, as the least capable combat troops, were tasked with preparing the trenches and fortifications along the Styr River, with additional orders to monitor troop movements and to delay any attempted crossing of the river. The other Auxiliary Guard were deployed over Ostmark to secure supply lines, communications and provide for security. On 2 April 2019, the SDG announces that it had created its own armed forces, bringing all the different units under a centralized command structure, with a distinctive emblem.

24. On 10 March 2019, the vanguard of the Styrian armed forces, comprised of the 4th and 10th Infantry Regiment, and the 1st Pioneer Regiment reached the Styr River to repair the bridges to start the recapture of Ostmark. They immediately came under small arms fire from Auxiliary Guard Units at the other side of the river. During 3 weeks, irregular skirmishing takes place across the river, with a small number of wounded on both sides.

Operation Raven

25. On 12 March 2019, Colonel Albert Mackenson requested a meeting with the President and the Minister of Defence to propose a plan to insert counter-terrorist units of the National Hussar Guard into Ostmark to commit acts of sabotage, to gather intelligence, and if possible, arrest high-level individuals in the SDG. Through this operation, he hoped that full-scale fighting could still be avoided. Colonel Albert Mackenson detailed that the selected officers had all volunteered, had a background in the Special Forces of the army, and are all familiar with the terrain in Ostmark. Although the Minister of Defence Johannes Essing advocated a full-scale invasion of Ostmark, President Otto Kahr overruled him and approved the operation.

26. On 15 March 2019, Colonel Albert Mackenson met with the officers to give them their instructions. The officers will be divided in 4 units, each 8 men strong, designated Team Alpha, Beta, Gamma and Delta. On the night of 17 March 2019, Styrian forces along the river would carry out a feigned attack, whereupon the units would cross the river and infiltrate Ostmark. Once in Ostmark, their instructions were to cause disruptions by sabotaging supplies, military equipment, and lines of communication. They would operate in plainclothes to evade capture, but will wear badges of the National Hussar Guard under their coats, which they had to display during their actions. In addition, they had to avoid, as much as possible, direct confrontation with adversary forces, and instead operate covertly. In case of emergency, the team could radio helicopters to pick them up.

27. On the night of 17 March 2019, the four teams crossed the river Styr under the cover of darkness. During two weeks, they managed to carry out multiple acts of sabotage in Ostmark without being apprehended. SDG units reported that they have witnessed individuals in civilian clothes near the sites of sabotage, fleeing in the woods. These reports also mentioned firefights between these saboteurs and SDG units, when the latter pursued the saboteurs, with no reported casualties.

28. On 3 April 2019, Team Alpha infiltrated a barracks of the Styrian Democratic Forces to destroy an ammunition cache. In a warehouse, they found military uniforms of Styrian Democratic Forces and disguised themselves to infiltrate the barracks. Team Alpha managed to cause an explosion that destroyed the ammunition cache and in the ensuing commotion seized two vehicles in an attempt to escape the barracks. At the gate, both vehicles were stopped, however, and suspicious guards asked for identification. The members of Team Alpha in the second vehicle opened fire on the guards, followed by bursts of fire from the first vehicle. In the ensuing firefight, 4 guards are killed and 1 wounded, with 2 members of Team Alpha killed and 2 wounded. The surviving members of Team Alpha escaped and were evacuated the next day.

29. On 6 April 2019, Team Beta and Gamma received new orders from Colonel Albert Mackenson. The National Hussar Guard had received intelligence that SDG President Harrieth Schmidt would visit Uberstyr to inspect new armed forces on 9 April 2019. The intelligence indicated that the President will travel with light security, two police officers on motorcycles, and one car with four soldiers of the SDG. Colonel Albert Mackenson ordered both teams to go to Uberstyr and attempt

to arrest Ms. Harrieth Schmidt. In order not to jeopardize the operation, radio silence between the Teams and headquarters would be maintained and both Teams could decide together how to carry out the operation. The next day, both teams arrived in Uberstyr and reconnoitered the trajectory of the motorcade of Harrieth Schmidt. The teams decided to ambush the motorcade near a strong bent in the road, where the motorcade would need to slow down. Team Beta would block the road with a car and seize Harrieth Schmidt. Team Gamma would stand on the corner of the road and open fire on the tires and engines of the cars to make them stop.

30. On 9 April 2019, Team Gamma mixed with supporters of President Harrieth Schmidt, who were waiting along the route of the motorcade. Upon the approach of the motorcade, Team Gamma opened fire from the crowd, disabling both cars and wounding the drivers. Team Beta blocked the road with a van and 7 members jumped out, displaying their badges of the National Hussar Guard. 4 members of the team held the security detail at gunpoint, with 3 members attempting to capture President Harrieth Schmidt. Suddenly, two unmarked cars with SDG soldiers appeared on the scene and opened fire on Team Beta. 5 Members of Team Beta were killed. Subsequently, Team Gamma, still located on the side of the road, among fleeing, panicking civilians, opened fire on the newly arrived cars. After a 15 minutes firefight between Team Beta and Team Gamma on the one side, and the security detail of President Harrieth Schmidt and the SDG soldiers on the other, a further 2 members of Team Beta and 6 members of Team Gamma were killed, with the remaining 3 captured. With the exception of the wounded drivers, no other casualties were reported

31. After the failed operation, on 10 April 2019, Colonel Albert Mackenson ordered Team Delta to evacuate and go to the rendezvous point in the forest to be extracted. The next day, when walking to the extraction point in the forest, the Team stumbled on a patrol of the SDG blocking the route to the extraction point. Some members of the Team prepared to open fire, but the leader of the team, Sergeant Edwin Kaiser, ordered them not to open fire, but instead walk to the patrol and friendly greet them, pretending they are mushroom gatherers. Team Delta approached the patrol and Sergeant Edwin Kaiser started a friendly conversation, in Ostmark dialect, offering the SDG patrol some food and drinks. When the patrol was about to leave, one soldier noticed a firearm on one of the members of Team Delta and the patrol immediately points their weapon towards Team Delta. Team Delta slowly walked back, arms up, with Sergeant Edwin Kaiser shouting “Don’t shoot, don’t shoot”. Sergeant Edwin Kaiser then jumped into cover behind a tree and opened fire. In the ensuing firefight, all members of Team Delta, with the exception of Sergeant Edwin Kaiser, were gunned down and 3 soldiers of the SDG killed. Wounded, Sergeant Edwin Kaiser managed to reach the extraction point and was evacuated.

Operation Drumbeat

32. On 15 April 2019, Colonel Albert Mackenson joined a meeting with all the high-level commanders of the armed forces, President Otto Kahr, and Minister of Defence Johannes Essing. During the meeting, Mr. Johannes Essing introduced Operation Drumbeat, a “thunderstorm of hail of fire to eradicate the wicked in Ostmark”. The operation consisted of a two-week aerial campaign against the SDG as preparation for the recapturing of Ostmark. For the operation to succeed all aerial assets needed to be made available to the Styrian air force, including the UAVs of the National Hussar Guard, which would be weaponized. Mr. Johannes Essing requested Colonel Albert Mackenson to transfer immediately the UAVs and their operators to the air force. At the meeting, Colonel Albert Mackenson strongly objected arguing that the UAV operators did not have sufficient experience to use the UAVs for combat purposes. He expressed his fears that the UAVs would cause unnecessary casualties among

civilians. After a lengthy discussion, Colonel Albert Mackenson caved in and authorized the transfer of the UAVs and their operators from the National Hussar Guard to the Styrian air force on 16 April 2019.

33. On 21 April 2019, the Styrian air forces, supported by the UAVs of the National Hussar Guard commenced Operation Drumbeat, a two-week aerial bombardment campaign against the SDG. During the first week of the campaign, because of the relative precision of UAVs, the UAVs were primarily used to target moving military assets. However, due to the time delay in the sending of visual data from the drone to the operator and due to the inexperience of the UAV operators, UAV drone operators frequently missed moving military targets and caused significant collateral damage to objects and persons alike. On 21 April 2019, when a UAV targeted 3 Armoured Personnel Carriers of the SDG driving through the streets of Uberstyr, a miscalculation of the UAV operation resulted in the destruction of a public bus, killing all 45 passengers and the driver.

34. According to mission reports of the Styrian air force, the UAV strikes in the first week of Operation Drumbeat had low rates of success. Out of 100 UAV strikes against moving military assets, only 30 succeeded in either destroying or damaging the target. In total, the UAV strikes killed at least 550 civilians and caused significant property damage all over Ostmark. On 28 April 2019, Colonel Albert Mackenson met with Styrian air force commanders and requested, in light of the casualties, to reassign the UAVs back to the National Hussar Guard, where they would be used for intelligence and surveillance. In light of the poor performance of the UAVs and their operators, the request is accepted and the UAVs and their operators are transferred to the National Hussar Guard.

35. During the second week of Operation Drumbeat, the Styrian air force focusing on bombarding the defensive positions of the SDG on the banks of the Styr River. On 30 April 2019, in light of operational demands, the Styrian air force again requested the transfer of the UAVs and their operators. The commander of the Styrian air force assured that this time the UAVs will be used to target military installations and buildings all over Ostmark and the leadership of the SDG in order to demoralize the SDG. Satisfied with the assurances, Colonel Albert Mackenson authorized the transfer the same day.

36. In the night of 2 May 2019, at 11:30 pm, UAVs struck the barracks of the former 5th and 8th Infantry Regiment, which were currently housing SDG personnel. More than 300 SDG soldiers were killed, while asleep. Similar attacks took place all over Ostmark, with an additional 200 SDG soldiers being killed. On 3 May 2019, in a castle near Uberstyr, serving as the Ministry of Defence, Minister of Defence Barthold Berg held a meeting with senior commanders to discuss the military defence of Ostmark. At the end of the meeting, 5 minutes after the military commanders had left the castle, two missiles launched from an UAV destroy the main building of the castle, where the meeting was held. In the strike Minister of Defence Barthold Berg and 25 civilian staff members were killed. On 4-5 May 2019, due to relentless bombardments, SDG troops retreated from their position near the Styr River to Uberstyr. On the road to Uberstyr, during their retreat, they were continuously struck by UAVs of the National Hussar Guard, causing hundreds of casualties.

Relocation of Children from Ostmark

37. On 6 May 2019, Styrian armed forces crossed the River Styr and, encountering almost no resistance, rapidly advanced to Uberstyr, which they capture on 10 May 2019. Large groups of civilians flee Ostmark, to the neighbouring Grand Duchy of Cilli, including SDG President Harrieth Schmidt.

Fleeing parents leave most of the children under 12 in the boarding schools of the monasteries, to avoid bringing them along the dangerous journey across the forests and mountains.

38. The advance of the Styrian armed forces stalls 12 km outside of Uberstyr, where the SDG had built entrenchments in the dense forests, making aerial and artillery bombardments ineffective. In addition, in the territory of Ostmark under control of the Styrian armed forces, Styrian armed forces faced guerrilla attacks, further hampering the operation to take control over the whole of Ostmark. Intelligence sources indicated that monasteries in Ostmark under the control of Styrian armed forces frequently provided food and shelter to the SDG soldiers involved in guerrilla attacks. Consequently, the National Hussar Guard was called in to search the monasteries. In the week of 20-26 May 2019, during searches of the monasteries, the National Hussar Guard captured 75 SDG soldiers in monasteries.

39. On 17 June 2019, Colonel Albert Mackenson was summoned to a meeting at the Presidential Palace in Unterstyr. At the meeting, President Otto Kahr, the whole cabinet, including Minister of Defence Johannes Essing, the leadership of the Styrian National Party and the Styrian Party for Salvation, and the top commanders of the Styrian armed forces were present. Minister of Defence Johannes Essing asks Colonel Albert Mackenson if the National Hussar Guard would be capable to provide security for the relocation of all children under 12 remaining in the monasteries in Ostmark, to be carried out during July and August 2019. The Minister of Defence informed Colonel Albert Mackenson that in total 200,000 children needed to be evacuated from Ostmark to Westmark. When Colonel Albert Mackenson expressed doubt about the desirability of the evacuation, Minister of Defence Johannes Essing responded that “as long as these children are contaminated with false beliefs, the wrath of the Ashti will be upon us. The goddess will only be satisfied when this vile heresy is eradicated from Styrland. We therefore must purge these devious ideas out of these children, for the sake of their souls and the salvation of Styrland.” In the end, after much pressure from the President and the Cabinet, Colonel Albert Mackenson agreed and gave an assurance that the National Hussar Guard would be able to relocate the children.

40. During the months of July and August 2019, all children in the boarding schools of the monasteries were relocated from Ostmark to Westmark. The National Hussar Guard requisitioned buses, which transferred the children, under guard, to various centres in Westmark. During the relocation, social workers from Child Services were present to reassure the children. Of all the relocated children, 20 percent were placed in different boarding schools in Westmark. The remaining 80 percent were housed in temporary dormitories.

41. On 4 September 2019, President Otto Kahr announces that his government had a plan to allow families in Westmark to take in those children who remained in temporary dormitories. Families who did so, would become the children’s guardians and receive government support. He appealed the inhabitants of Westmark “to open their hearts to these unfortunate children and to not let the sins of their parents and teachers doom their future. Through your efforts, these children will have a home and will lead a righteous life, destroying the cancer of heretic beliefs festering inside of them”. President Otto Kahr ended that he himself would set a good example and provide a home for 2 children. In the coming weeks, the example of the President was followed all over Westmark, with members of the Styrian Party of Salvation being the most enthusiastic. During September and October 2019, 60,000 children are placed with families all over Westmark.

42. During the months of September and October 2019, 37 monasteries in the parts of Ostermark under control of the armed forces of Styrland burned down, with the monks disappearing. When members of the National Hussar Guard arrived to investigate the fires, they were met by members of the Styrian armed forces, which had cordoned off the area, and were ordered to leave. On 4 October 2019, at 9:00 am, in a remote location in a forest, a deer hunter discovered a mass grave with partially burned bodies. Members of the National Hussar Guard arrived at 10:30 am to investigate the crime scene. During the recovery of the bodies, they collected religious pendants which are normally worn by monks in the monasteries. At 12:30 pm, units of the Styrian armed forces arrived with a signed order of the Minister of Defence, transferring the investigation from the National Hussar Guard to the Styrian armed forces. All evidence is seized and the members of the National Guard were ordered to leave immediately. The same day, Colonel Albert Mackenson was informed and contacted the Minister of Defence Johannes Essing. The Minister told Colonel Albert Mackenson to not further pursue the matter, since it was an issue of national security, and that no information should be spread to the public. When Colonel Albert Mackenson protested, he was put on administrative leave for two months.

Seizure of the International Criminal Court and arrest of Colonel Albert Mackenson

43. On 16 September 2019, the President of the SDG, Harrieth Schmidt, from an undisclosed location in Cilli, criticized the relocation of the children as an attempt to erase the Ostmark way of worshipping of Ashti, labelling the policy “a religious genocide”. She further declared that she would request the government of the Grand Duchy of Cilli to refer the situation to the International Criminal Court. On 23 September 2019, the Minister of Foreign Affairs of the Grand Duchy of Cilli announced that it has officially referred the situation in the Republic of Styrland to the International Criminal Court.

44. On 10 February 2020, the Office of the Prosecutor requested the Pre-Trial Chamber to issue arrest warrants for a number of high-ranking officials from the Republic of Styrland, including President Otto Kahr, Minister of Defence Johannes Essing, and Colonel Albert Mackenson. The Pre-Trial Chamber in its Decision of 12 February 2020 found that there were reasonable grounds to believe that these individuals were responsible for crimes within the jurisdiction of the Court. The Republic of Styrland, however, has rejected any demand for cooperation with the International Criminal Court.

45. Reportedly, Colonel Albert Mackenson was shaken by the arrest warrant against him. Furthermore, on 27 April 2020, Colonel Albert Mackenson’s wife died from COVID-19 related complications. On 6 May 2020, Colonel Albert Mackenson, citing depression, requested to be put on indefinite leave, which is granted on 8 May 2020. On 12 May 2020, Colonel Albert Mackenson was last seen when he leaves his home in Unterstyr, with a suitcase. On 15 May 2020, Colonel Albert Mackenson appeared at a police station in the Grand Duchy of Cilli and asked to be taken in custody. On 1 June 2020 he was transferred to the custody of the International Criminal Court, where he remains until this day.

Charges

The Office of the Prosecution presents the following charges against the defendant, Colonel Albert Mackenson:

Count 1

With respect to the acts of Teams Alpha, Beta, Gamma and Delta of the National Hussar Guard during Operation Raven, from 17 March 2019 until 10 April 2019,

On the basis of individual criminal responsibility for ordering pursuant to Article 25(3)(b) Rome Statute,

- **The war crime of killing or wounding treacherously enemy adversaries in Article 8(2)(e)(ix) Rome Statute.**

Count 2

With respect to Operation Drumbeat, for authorizing the transfer of the UAVs of the National Hussar Guard and their operators to the Styrian air force to be used in an aerial bombardment campaign against SDG from 21 April 2019 until 5 May 2019,

On the basis of individual criminal responsibility for aiding, abetting pursuant, or otherwise assisting in the commission or attempted commission of the crime pursuant to Article 25(3)(c) Rome Statute,

- **The war crime of violence to life and person in Article 8(2)(c)(i) Rome Statute**

Count 3

With respect to the relocation from Ostmark to Westmark of children under 12 years old,

On the basis of individual criminal responsibility for contributing to the commission of the crime by a group of persons acting with a common purpose pursuant to Article 25(3)(d) Rome Statute,

- **The crime of genocide by forcibly relocating children from one group to another group in Article 6(e) Rome Statute**

Annex I: Treaties to which the Republic of Styrland and the Grand Duchy of Cilli are party

Treaty	Republic of Styrland	Grand Duchy of Cilli
Charter of the United Nations	✓	✓
Convention on the Prevention and the Punishment of the Crime of Genocide	✓	✓
Geneva Conventions I-IV	✓	✓
Additional Protocol I-II to the Geneva Conventions	✓	✓
Vienna Convention on the Law of Treaties	✓	✓
Rome Statute of the International Criminal Court	✓	✓

Annex II: Map of Styrland

