



**) : the Confirmation Hearing**

**in the Case of John Evans:**

This is a fictitious case, intended to enable students to familiarise themselves with the law and practice of the ICC. Participants will be divided into three groups: Defence counsel; counsel for the Prosecution; and legal representatives for victims. Each team is expected to write a memorial and to put forward its legal arguments in the context of the Confirmation Hearing in the case of John Evans (see Article 61 of the Rome Statute), in accordance with the schedule established by Pre-Trial Chamber 6.

Each team will be evaluated on its knowledge of the applicable rules of international criminal law; the quality of its arguments; and its overall presentation. The memorials will be graded by the same Judges as the ones adjudicating in Pre-Trial Chamber 6. The Judges of the competition will be comprised of both academics and practitioners.

**APPLICABLE LAW AND TIMEFRAME**

This case is set in 2019. The applicable law of the ICC in 2019 is the same as the applicable laws of the ICC at the time of this competition; including all the relevant case law. However, the amendment regarding the crime of aggression, as adopted at the Kampala 2010 Review Conference (Resolution no. 6 adopted on 11 June 2010; annexed to this case), has fully entered into force and is fully applicable to the facts set out below.







11. On 12 May 2008, the ICC Prosecutor announced his intention to start an investigation –acting *proprio motu*– into the Brisk-Ulva conflict. On 15 May 2008, the Prosecutor notified the UN Secretary General pursuant to Article 15bis (6) of the Rome Statute.
  
12. On 1 April 2008, the UN Security Council, acting under Chapter VII, determined by unanimous vote in Resolution 8679 that the blockade amounted to a breach of and threat to international peace and security and condemned Ulva for its actions. However, the UN Security Council did not





responsible Minister indicated that they had no other choice than to execute the arrest warrant; and further due to Article 59 (4) of the Rome Statute, it was not open to them to challenge the warrant's validity.

21. On 5 March 2019, John Evans was surrendered to the ICC. His initial appearance took place 7 March 2019. The case was assigned to Pre-Trial Chamber 6, with the view of holding a hearing to confirm the charges on which the Prosecutor was seeking trial; and to determine a reasonable period of time after the initial appearance.

22. The charges for which the Prosecutor seeks confirmation are the same as those set out in the application for the arrest warrant.

23. Prior to the confirmation hearing, a number of hearings took place and many motions and responses were filed with Pre-Trial Chamber 6. During these hearings, the Prosecutor indicated that the ICC has jurisdiction over the case and that John Evans had not been unlawfully arrested and detained. Further, the Prosecutor argued that and even if this were the case, it would not affect the jurisdiction of the ICC.

24. The Defence adopted the position that the ICC lacks jurisdiction and that

