

**ASIA-PACIFIC
MOOT
COURT**



**NATIONAL
ROUNDS
2026**

ICRC

CLARIFICATIONS

SITUATION IN THE REPUBLIC OF PALLAVON

IN THE CASE OF

PROSECUTOR

v. GENERAL THORN

BEFORE THE INTERNATIONAL CRIMINAL COURT AT THE HAGUE

	Question	Answer
1.	Had Jaku been tested on animals or other living organisms before 2 April? [para17]	No, it has never been tested on animals or other living organisms.
2.	Do references to the school “premises” in [39(a)], [41], and [42] concern the entire school or only particular buildings or areas within it?	‘Premises’ refer to the entire school.
3.	COUNT ONE: Do the three criminal forms, 'torture, inhuman treatment, biological experiment' listed in Rome Statue Article 8 (2)(a)(ii), should be demonstrated completely? [Reasons] The three forms of crime have their own elements of crime, but the problem does not clearly point out which one to be charged.	Teams should focus on the form of crime: ‘biological experiment’.
4.	COUNT TWO: Which one is the charged form of Individual criminal responsibility, 'ordering, solicit or induce' listed in Rome Statue Article 25(3)(b)? [Reasons] The three forms of individual criminal responsibility have their own elements of crime, but the problem does not clearly point out which one to be charged	Teams may develop arguments over any of the modes of responsibility ('ordering, solicit or induce') within Article 25(3)(b).
5.	Is Dr.Loff a scientist or a doctor?	She is both a medical doctor and scientific/academic doctor.
6.	In para.17, Jaku was “in early stages of development”, so had it been animal-trialed?	See clarifications above.
7.	On 2 April, “the conscious soldiers verbally agreed to the treatment”, so before the injection, what did they know about the drug?	It can be assumed the conscious soldiers were aware of the information provided in para 17.
8.	Count I: Facts, Para [17], it described that “Despite it being in early stages of development”. At what stage of development was Jaku, as a new drug, at the time? Does this mean that Jaku had not undergone any animal testing ? [Reasons] This is an extremely important fact since it will determine the nature of the Jaku injections.	See clarification above.
9.	Count I: Annex I: Charges (for National Rounds only), it described that “The war crime of torture or inhuman treatment, including biological experiments pursuant to Article 8(2)(a)(ii) of the Rome Statue.” Does it mean we should discuss the three offenses together under Article 8(2)(a)(ii), including torture,	Teams should focus on the form of crime: ‘biological experiment’.

	inhuman treatment, and biological experimentation? Or only select one offense ? <i>[Reasons]</i> This is an extremely important fact since it will determine the determination of offences.	
10.	Were the 50 elite soldiers hand-picked by General Thorn selected from, and already members of, the Damaran Defence Force? <i>[Reasons]</i> This fact is relevant to determining the legal status of the Titans under international humanitarian law. If the 50 soldiers were already members of the Damaran Defence Force when selected, this would clarify their membership in Damaroi's armed forces before and during Operation Titan. If they were selected from outside the Damaran Defence Force, further analysis would be required to determine the basis and point at which they became members of Damaroi's armed forces. This clarification may therefore affect the assessment of the Titans' protected status in relation to Count 1.	Yes. The 50 soldiers selected are members of the Damaran Defence Force at all relevant times.
11.	In para. 11, were the 50 elite soldiers picked from the Damaran Defence Force? <i>[Reasons]</i> The answer is material to determining the legal identity of the Titans in the armed conflict as required by the elements of crime of Article 8(2)(a)(ii).	See clarification above.
12.	In para. 43, a clarification is needed as to whether the missiles from Como City were launched by the Damaroi Forces? <i>[Reasons]</i> The answer is material to confirming the physical perpetrator of the attack and establishing which entity is accountable for the alleged war crime.	In para 43, the missiles were launched by the Damaran Defence Force.
13.	18: Before using the Jaku on the sick soldiers who had symptoms similar to Typhoid, had Dr. Loff tried regular medical treatment on them? Was induced coma one of the regular treatments? <i>[Reasons]</i> To establish the war crime of biological experiment under Article 8(2)(c)(ii) of the Rome Statute, the perpetrator must have subjected one or more persons to a particular biological experiment. In the present case, whether Dr. Loff had tried regular treatment could affect the determination of the required element of "biological experiment."	Conventional treatments had been given without successful results.

14.	17: Was Dr. Loff a physician? <i>[Reasons]</i> To establish the war crime of biological experiment under Article 8(2)(c)(ii) of the Rome Statute, it must not be justified by medical reasons. Whether Dr. Loff was a competent physician could affect the decision.	See clarification above.
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