

INTERNATIONAL COURT OF JUSTICE

COMPROMIS

**BETWEEN THE FEDERAL REPUBLIC OF ARPESIA (APPLICANT)
AND THE KINGDOM OF RASMANIA (RESPONDENT)
TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE
THE DIFFERENCES BETWEEN THE STATES
CONCERNING CYBERLAW, AGGRESSION, AND HUMAN TRAFFICKING**

jointly notified to the Court on 16 September 2013

COUR INTERNATIONALE DE JUSTICE

COMPROMIS

**ENTRE LA RÉPUBLIQUE FÉDÉRALE D'ARPESIA (DEMANDEUR)
ET LE ROYAUME DE RASMANIA (DÉFENDEUR)
VISANT À SOUMETTRE À
LA COUR INTERNATIONALE DE JUSTICE
LES DIFFÉRENDS QUI OPPOSENT LES DEUX ÉTATS
EN CE QUI CONCERNE LE DROIT DE CYBER, L'AGRESSION, ET LA TRAITE
DES ÊTRES HUMAINS**

notifié conjointement à la Cour le 16 Septembre 2013

**JOINT NOTIFICATION
ADDRESSED TO THE REGISTRAR OF THE COURT:**

The Hague, 16 September 2013

On behalf of the Federal Republic of Arpesia (“the Applicant”) and the Kingdom of Rasmania (“the Respondent”), in accordance with Article 40(1) of the Statute of the International Court of Justice, we have the honor to transmit to you an original of the Compromis for submission to the International Court of Justice of the Differences between the Applicant and the Respondent concerning cyberlaw, aggression, and human trafficking.

Prime Minister of
The Federal Republic
of Arpesia

President of
The Kingdom
of Rasmania

COMPROMIS

SUBMITTED TO THE INTERNATIONAL COURT OF JUSTICE BY THE FEDERAL REPUBLIC OF ARPESIA AND THE KINGDOM OF RASMANIA ON THE DIFFERENCES BETWEEN THEM CONCERNING CYBERLAW, AGGRESSION, AND HUMAN TRAFFICKING

The Federal Republic of Arpesia and the Kingdom of Rasmania,

Considering that differences have arisen between them concerning cyberlaw, aggression, and human trafficking;

Recognizing that the Parties concerned have been unable to settle these differences by negotiation;

Desiring further to define the issues to be submitted to the International Court of Justice (hereinafter referred to as “the Court”) for settling this dispute;

In furtherance thereof the Parties have concluded the following Compromis:

Article 1

The Parties submit the questions contained in the Compromis (together with Corrections and Clarifications to follow) to the Court pursuant to Article 40(1) of the Statute of the Court.

Article 2

- (a) It is agreed by the Parties that the Federal Republic of Arpesia shall act as Applicant and the Kingdom of Rasmania as Respondent, but such agreement is without prejudice to any question of the burden of proof.
- (b) The Parties stipulate the following are the agreed upon facts.

Article 3

- (a) The Court is requested to decide the Case on the basis of applicable treaties and the rules and principles of customary international law.
- (b) The Court is also requested to determine the legal consequences, including the rights and obligations of the Parties, arising from its Judgment on the questions presented in the Case.

Article 4

- (a) Procedures shall be regulated in accordance with the applicable provisions of the Official Rules of the 2014 Susan J. Ferrell Intercultural Human Rights Moot Court Competition.
- (b) The Parties request the Court to order that the written proceedings should consist of Memorials presented by each of the Parties not later than the date set forth in the Official Schedule of the 2014 Susan J. Ferrell Intercultural Human Rights Moot Court Competition.

Article 5

- (a) The Parties shall accept any Judgment of the Court as final and binding upon them and shall execute it in its entirety and in good faith.
- (b) Immediately after the transmission of any Judgment, the Parties shall enter into negotiations on the modalities for its execution.

In witness whereof, the undersigned, being duly authorized, have signed the present Compromis and have affixed thereto their respective seals of office.

Done in The Hague, The Netherlands, this sixteenth day of September in the year two thousand thirteen, in triplicate in the English language.

Prime Minister of
The Federal Republic
of Arpesia

President of
The Kingdom
of Rasmania

The 2014 Susan J. Ferrell Intercultural Human Rights Moot Court Competition

The Cyber-War Case

Arpesia v. Rasmania

1. Arpesia is a large, highly populated, and democratic first-world country that has been economically thriving for the past 50 years entirely due to its technological advancement. Currently serving as the top pioneer in developing the latest computer technology, the entire Arpesian culture is focused on educating the next generation to further advancement in programming and information sciences. In fact, a conventional mail system no longer exists, with all correspondence occurring via email, cellular phones, and social networking sites.
2. Roughly 30 years ago, Arpesia established an institute, the Arpesian Technological Institute (“ATI”), to begin educating the next generation of Arpesians on computer programming and information technology. ATI started as a university specializing in computer sciences that would allow Arpesians to receive a bachelor’s degree upon completion of four years of education. The very first classes of graduates now serve as professors and government officials. Afterwards, graduates banded together to start information technology developmental programs. These activities resulted in an economic boom for Arpesia that is still going strong. However, roughly 20 years ago, there were some graduates that migrated to other states and started competing programs there. The Arpesian government was displeased with that apparent lack of Arpesian pride, so it decided that if the education process started earlier, the vast majority of students would stay and contribute to the Arpesian economy.
3. Currently, ATI serves as a full-year boarding school that begins education immediately following graduation from elementary school. Every 1st of July, ATI emails advertisements to Arpesian households with children graduating from elementary school, encouraging the parents to send their children to ATI in the fall. ATI tuition covers room, board, meals, and amenities similar to a five-star resort. Courses include computer science, software design, and computer security, as well as the classes students would take in conventional education settings. The mandatory part of the curriculum lasts for ten years, taking children from junior high school all the way through their bachelor’s degrees. ATI also has an additional five year master’s and doctorate program that students can embark on as well.
4. Arpesia’s constant attention towards educating its youth has received wide acclaim from foreign governments and international organizations. In fact, Arpesia welcomes people from all over the world to study programming in an effort to gain the brightest information specialists. ATI thus also accepts and encourages alien nationals to attend. Many countries in fact have sent their nationals to ATI to acquire the skills and knowledge necessary to develop a similar information technology infrastructure within their own countries.
5. ATI’s tuition comes at the price of \$200,000 per year for Arpesian nationals and \$300,000 per year for non-Arpesian nationals for the mandatory ten-year program. The additional five-year program costs a reduced rate of \$100,000 per year for Arpesian nationals and \$150,000 per year for non-Arpesian nationals. However, the Arpesian government will subsidize a child’s tuition if he or she meets some qualifications: (1) a graduate will have to be employed in Arpesia for 10 years following graduation if he or she is an

- Arpesian national and 15 years if he or she is a non-Arpesian national; (2) during enrollment, a student can neither leave Arpesia, nor can he or she have visitors during the entirety of his or her education; and (3) a graduate cannot leave Arpesia until his or her employment obligations are fulfilled.
6. The ATI faculty and administration foster a cult-like environment within its student body. Children who accept the invitation to join ATI and attend orientation are greeted by a large billboard hanging prominently from the main entrance. The billboard contains the following slogans: (1) “Arpesia’s existence depends on you to develop the latest technology”; (2) “[a]s part of an exclusive group, you will push the boundaries of accessibility to information as never seen before[,]” and (3) “[p]rogramming is a way of life, not just a craft.” When the children start the program, ATI faculty teaches a special code language to the children. The code language is promoted in classroom discussion and major research presentations as a way to remove Arpesian children and other nationals attending the program from the culture of their normal upbringings. The code language is designed to give the children a new sense of belonging and a way to communicate with their peers without learning several languages. Arpesians comprise 70 percent of the student body at ATI.
 7. Although Arpesia urges Arpesian children who score in the top 10% on a standardized computer competency exam given at the end of elementary school to attend ATI, the only official requirement regarding schooling is that all children must at minimum receive a high school education. However, the Arpesian government granted a complete exemption from any formal education to the Turite, a local indigenous group that insists on maintaining their “historic” way of life. Arpesia decided to allow the Turite to peacefully co-exist as long as they do not interfere with the evolution of technology that will benefit the rest of the country.
 8. Since time immemorial, as transmitted by their elders, the Turite have been a peaceful, foraging people relying largely on animal husbandry and goat herding in the Haram Mountains of what is today northeastern Arpesia. The Turite have a limited understanding of the common language spoken in Arpesia and its neighboring countries, and their only written language is a pictographic script only used within their reservation.
 9. Northeastern Arpesia is located along the Great Fault Strip, a geologically active zone at the site where two tectonic plates meet. The Turite have developed a way of life that has conformed to the rugged terrain of the Haram Mountains. Turite spiritual leaders and folklorists worship a dormant volcano, Mount Magmus. Mount Magmus is located on the porous border region near Rasmania. The last time Magmus erupted was in 3,000 B.C. The Turite claim Mount Magmus is the ancestral home of the sun god, Solaris, who provides the Turite people with nourishment, energy, crop growth, and light.
 10. Each Turite generation goes through a process of enlightenment, whereby young children are required to climb Mount Magmus via a winding route called the Chosen Path. When the young children reach the summit, the children give offerings to Solaris, the Sun God, either through sacrificing baby goats or burning frankincense. Once the children successfully complete the trek, the tribal elders adorn them with a linen headdress and paint their faces with the traditional Turite tri-color pattern: orange (the sun), brown (surface of Mount Magmus), and green (agriculture).
 11. On the northern border of Arpesia is Rasmania, which achieved independence twenty years ago from a colonial power, Cassandra. Cassandra left Rasmania as a third-world developing country, and the Rasmanian people were isolated from the internet revolution that swept the world by storm. Immediately upon establishing a democratic government, Rasmania requested the assistance of Arpesia to enter into the information technology market. Arpesia agreed to begin educating Rasmanians at ATI. Rasmania allowed

Arpesia to choose 300 students from the graduating elementary school class, based on a computer competency exam administered by the Arpesian government at the end of each school year. These students were sent to ATI with the permission of their parents. To more quickly establish the economy in Rasmania, Arpesia agreed to waive the employment requirement for the first class of Rasmanians to attend ATI. In return for the free tuition and the other assistance from Arpesia, Rasmania agreed not to form its own technology institute for at least 30 years.

12. Due to the employment requirement waiver for the first class of Rasmanians, there was some outcry from Arpesian nationals, students from other states, and professors that this special treatment was unfair. Many of the 300 Rasmanian students complained of harassment, abuse, and sabotage of their schoolwork for them initially not being enthusiastic about their education at ATI. However, none of the claims were investigated by the Arpesian government, who looked the other way because it was focused on making Rasmania a trade partner in technology.
13. In fact, after living in Arpesia for a few years, the Rasmanian students expressed a desire to return to their home country, and to develop the frontiers of technology there. ATI then decided that the inaugural class of Rasmanian students could not leave ATI grounds until they graduated, and that they could not participate in any of the resort-like features the ATI grounds offered. The inaugural class of Rasmanian students graduated ten years ago; some of them were among the brightest in the program.
14. Arpesia also helped Rasmania by installing a network of underground fiber-optic cables linking Rasmania with Arpesia, providing a medium to transfer more information with less electricity. Rasmania was also connected to Arpesia's northern satellite farm to receive signals coming in from major broadcast networks around the world. With a link established to the outside world, Rasmanian entrepreneurs and venture capitalists began to invest in computer science, radio technology, and software engineering with the hope of becoming more competitive in the information technology marketplace. Rasmania even built its own satellite farm in its remote northeastern region, to ensure all of its citizens could receive adequate signals.
15. Rasmania's economic growth skyrocketed, giving Arpesia a key partner in its technology trade, even though there was some limitation of competition between the two states because of the initial prohibition of a technology school for Rasmania. To ensure an unimpeded trade exchange in the IT market between both countries, Arpesia and Rasmania brokered the Arpesian-Rasmanian Free Borders Agreement. The Free Borders Agreement abolished border checkpoints between both countries and utilized visual surveillance of vehicles to monitor traffic flow.
16. In May 2012, after aiding Rasmania for 20 years, Arpesia realized that Rasmania was almost as powerful in the technology market as Arpesia itself, and in another ten years Rasmania would be able to start its own technology school. Rasmania's satellite farm was even almost as developed as Arpesia's, and the top of ATI's graduating classes normally came from Rasmania. Resolving to get ahead in the communications market, Arpesia decided to begin construction of a radio transmitter. The Arpesian Prime Minister then conducted a meeting with Rasmania's President to discuss the tower, named ARP ONE. It was decided that Rasmania and Arpesia would both be connected through the tower. Arpesia was to cover the entire costs of building the tower. In return, Rasmania had to extend its prohibition on building a technology school for another 30 years and had to pay \$50,000 per year for the use of ARP ONE.
17. In June 2012, during the Arpesian State of the Union address, the Arpesian Prime Minister announced the construction of this 1,500 foot radio transmission tower in northeastern Arpesia, 50 miles from the Arpesian-Rasmanian border. The Arpesian Corps of Engineers ("ACE") and Arpesian Power and Light, Inc., ("APL") would be responsible for the undertaking. Following the address, the Arpesian Prime Minister

(“PM”) convened a meeting with APL and ACE to approve the plan and verify both agencies did their due diligence in securing the site. Heads of APL and ACE told the PM that geological surveys conducted around the Mount Magmus area showed minimal likelihood of tectonic activity. Moreover, the last earthquake that hit the area occurred 50 years ago and caused little structural damage to nearby villages.

18. ACE created the cylindrical frame of the tower at an undisclosed site. After three months, the frame was transported in parts by several flatbed trucks to the construction site of ARP ONE, which was set to stand parallel to the western side of Mount Magmus with its base situated next to the starting point of the Chosen Path. Due to unpredictable wind patterns created by the rocky topography of the land, ACE, at the direction of the ARP ONE project manager, added a support structure for ARP ONE. To create the support apparatus for ARP ONE, ACE conducted a series of blasts at various elevations on the western side of Mount Magmus. The blasts created 30 foot diameter holes. ACE then inserted, by crane, a steel beam horizontally into each hole to connect with the cylindrical frame. The first beam was connected 500 feet up the mountain, the second beam 1,000 feet up the mountain, and the third beam 1,500 feet up the mountain. Each beam weighed three tons. Once the frame was securely fastened to its foundation at the base of Mount Magmus and the beams were locked in place, APL wired ARP ONE to the main electrical line connecting Rasmania and Arpesia.
19. Finally, the PM told APL to construct a barbed wire electric fence around the site as protection and had ATI design the computer system. ARP ONE’s computer system monitors the power supply and regulates the structural support system of ARP ONE. The computer system regulates the flow of electricity into the tower. Also, the computer system monitors the pressure exerted on the beams that are inserted into Mount Magmus. If the beams start to rust or corrode due to extreme weather conditions on the mountain, the computer system will alert ACE to send a repair team to fortify the beams from further wear and tear. Additionally, the computer system controls the security system that grants Arpesian electricians and inspectors entry into the site for routine checkups and alerts the Arpesian government if an intruder breaches the barbed wire fence surrounding the site. The fence was designed to protect ARP ONE from insurrectionist groups, such as the Harzule, led by Supreme Leader Tetsa Harzulian.
20. The Harzule movement had grown out of the ATI program. Ten years ago, during a graduation ceremony from the ATI, 300 high honors graduates from a 1,500 member graduating class of ATI, protested the Turite’s resistance to Arpesia’s technologically based society. Two days after their graduation, the same group of graduates, mostly Rasmanian citizens who had become passionate supporters of ATI’s pro-technology mission, staged a protest outside the Arpesian parliament demanding the abolishment of the education exemption for the Turite, or in the alternative, to evict the Turite from Arpesia. These graduates believed this policy deviated from Arpesia’s mission in creating ATI, to instill knowledge of western science and technology. Enduring ten years of intensive learning, being unable to leave ATI grounds, and feeling a sense of pride in their contribution to progress, the 300 graduates felt betrayed by the Arpesian government and misled into believing that ATI promoted a common vision of progress for all human beings.
21. After a fierce protest both at the graduation ceremony and later at the steps of the Arpesian parliament, Arpesia’s Prime Minister rejected the demands of the graduates and encouraged peaceful dialogue between the protesters and the Turite. Incensed by the Prime Minister’s comments, members of the protesting group left Arpesia and headed north into Rasmania. Desiring retribution for Arpesia’s abandonment of its core principles, the 300 ATI graduates formed the Harzule.

22. The Harzule is a political organization whose mission is to eliminate, by any means necessary, including force, what it calls “prehistoric” ways. Angered by the exemption given to the Turite by the Arpesian government, the Harzule questioned Arpesia’s commitment to the future. The Harzule claim the only way to rid Arpesian society of traditional values is to install a more hard-line technocratic regime. Many of the core leaders and decision-makers in the Harzule movement saw Rasmania as the new center for technological development, believing Rasmania should be able to form its own technology school to develop a cadre of technically trained personnel and problem-solving gurus that would make society more structured and efficient.
23. Some Harzule supporters still remain in Arpesia’s capital city. With instruction from Harzule leaders in Rasmania, Harzule supporters conducted large violent protests at Parliament, throwing rocks, Molotov cocktails, and other projectiles at the General Assembly on the west end of Parliament. Moreover, Harzule supporters were instructed by Harzule leaders in Rasmania to set up barricades in busy intersections and to throw tear-gas bombs in various Arpesian subway stations to “disrupt the backward society Arpesia has developed.” According to their internationally public blog, Harznet1, the Harzule perpetrate these acts to “give the Arpesian people a sense of what life would be like if no technology existed.” The Harzule believed implanting this idea into the Arpesian psyche would create enough fear to shatter the sense of stability the Arpesians had relied on for so many years.
24. On November 1, 2012, ARP ONE became operational after five months of construction. The ribbon-cutting ceremony honoring this milestone was celebrated by the Arpesian press and attended by Arpesia’s Prime Minister and Interior Minister. Arpesia’s ceremony was interrupted by Turite villagers who resided near Mount Magmus. The Turite voiced concerns that ARP ONE’s foundation encroaches on the entrance point to the Chosen Path and makes the ritual climb to the summit impossible.
25. On November 30, 2012, Harzulian sent an email to the newly formed Harzule Liberators, a wing of the Harzule based in Rasmania. The Harzule Liberators were responsible for planning high-scale attacks on major Arpesian electrical grids and communication systems. The Liberators were a multi-dimensional force: all Liberators had advanced degrees in engineering, computer science, and a sophisticated military background. There are 400 Harzule Liberators. However, no high-level attacks have been attempted since the formation of the Harzule Liberators.
26. The Harzule Liberators have ten underground facilities strewn across the Arpesian-Rasmanian borders. The underground facilities are undetectable by ground-penetrating radar and are not followed by Arpesian intelligence agencies. The facilities opened only a few months ago during the construction of ARP ONE. The Harzule believed ARP ONE was just the first of many technological feats that Arpesia would pursue in the near future. The Liberator facilities housed large laboratories where the Liberators developed complex viruses to tamper with the central databases of major communications structures like ARP ONE.
27. Harzulian had in his possession updated maps of the cable network after Arpesia’s construction of ARP ONE; each cable line was reachable through access stations on the surface while mechanics and engineers would perform monthly routine check-ups. According to the maps, each line was protected by a 10-foot tubular enclosure that could allow a person to safely walk around without getting injured. Harzulian sent an email to the heads of the ten Liberator facilities ordering the Liberators to destroy ARP ONE via a virus and explosives, planning the attack on the same day as a routine check-up.
28. On December 20, 2013, just before dawn, the plan was carried out. A group of five to six Liberators entered the nearest access station to the Liberator facility immediately after the engineer who was set to check on the line opened the door. The Liberators shot the engineer, and then followed the underground line to ARP

ONE, taking approximately 20 minutes. Once the group reached the underground point where ARP ONE stood, they notified the Liberator facility to send the virus that would shut down the computer system to be sent.

29. The virus was sent clandestinely through a fiber-optic cable adjacent to one of the Liberator's facilities, and passed underneath ARP ONE; it entered into ARP ONE's computer system, causing the system to malfunction. The virus prevented the controller of the computer system from accessing the camera system overlooking the security site, disabled the electric flow into the barbed wire fence, cut off one of Arpesia's more popular radio stations from operating, and completely shut down ARP ONE's computer system. Once the system shut down and destroyed the main connection to the Arpesian Broadcast Network ("ABN"), Arpesian citizens lost access to weather updates and important Arpesian government addresses issued on ABN.
30. Then, the Liberators attached bunker buster bombs, stolen from the Rasmanian government's arsenal, to the top of the tube, and left. The device was timed to detonate 25 minutes after the device was attached, to ensure the Liberators could get out in time. Upon detonation, the Harzule calculated that the blast would destroy the foundation of ARP ONE.
31. Once the device detonated, the shockwaves from the explosion, unbeknownst to Harzulian or the Liberators, created vibrations along the Great Fault Line that ran near ARP ONE. The shockwaves continued for 20 minutes after the explosion. The rumblings triggered a violent earthquake calculated by local seismologists at 7.2 on the Richter Scale. The earthquake sparked a pocket of magma beneath Mount Magmus not disturbed since its previous eruption in 3,000 BC. Ten minutes later, Mount Magmus erupted. The eruption sent large boulders and ash hurtling down the mountain in the direction of Turite villages, blocking the Chosen Path and the main route connecting the Turite reservation with the rest of Arpesia. Thousands of Turite villagers were killed by flying projectiles of rock and sediment and much of the main medical facilities set up by the Arpesians were destroyed. The lava flows created by the eruption also ran directly in the path of ARP ONE. Local Arpesian geologists have estimated that the temperature of the lava can reach upward to 2,000 degrees Fahrenheit. When ARP ONE was in its planning stages, ACE stated that the beams and cylindrical frame could only withstand 1,000 degree Fahrenheit.
32. It took only 15 minutes for the lava flows to incinerate the beams connecting ARP ONE to Mount Magmus. Once the lava incinerated the beams, ARP ONE was left without any support structure. Without a connection to Mount Magmus and with its foundation shattered from the detonation beneath the surface, ARP ONE's cylindrical frame fell on top of the 50 foot pile of boulders and debris created by the eruption. The route connecting the Turite reservation and the rest of Arpesia was now completely impassable due to the height of the rock wall created by the eruption and the unsettled surface of the ground created by the cooling lava flow. The only clear path available to the Turite to reach safety was the main road connecting the Turite reservation to Rasmania.
33. The Harzule leadership in Rasmania's capital was informed of the success of the ARP ONE operation by the Liberators. Harzulian, who had drones that were also stolen from the Rasmanian governmental arsenal, ordered a quick sweep of the ARP ONE site to assess the damage. At midnight, December 21, 2012, the drone snapped photographs of the disaster zone. The drone picked up images of approximately 700 Turite villagers walking in caravan formation toward the Rasmanian border. The photographs were sent back to the Harzule leadership. Harzulian then emailed the heads of all 10 Liberator facilities to intercept the Turite caravans before the Turite crossed into Rasmanian territory.

34. During the early morning hours on December 21, Arpesia's Prime Minister received a report from the Arpesian Air Force. The Arpesian Air Force was conducting training exercises in northeastern Arpesia, to test its new real-time imaging technology. The device attached to the fuselage of the aircraft could take high powered images of the surface at high frequencies and report back images in real time. The commander of the Arpesian Air force sent an urgent email with the photographs taken of the ARP ONE site during a flyby, and stated that ARP ONE had been leveled by a volcanic eruption. The photographs were sent to the Arpesian Security Agency ("ASA"), an advisory group that reports to the Arpesian Prime Minister on a high-level national security matters and utilizes ATI's expertise in achieving ASA objectives.
35. On the afternoon of December 21, approximately 200 Harzule Liberators and their respective commanders boarded 50 open-ended jeep trucks toward the Arpesian-Rasmanian border. At 5:00PM on December 21, the Liberators formed a blockade at the border blocking the Turite advance and ordered the Turite to leave their belongings and board the jeeps. When the Harzule realized the Turite did not understand the language, they forcibly moved them into the jeeps and took them across the Arpesian-Rasmanian border to the Liberator facilities in Rasmania.
36. The destruction of ARP ONE prompted the Prime Minister to create an investigative committee to develop a timeline of the events leading up to the destruction. Under Arpesian law, investigations require an examination of both the disaster site and all communications system to give the committee a "well-rounded" perspective on the incident. After a three-week long investigation conducted by the ASA with the help of the Arpesian Geological Survey, the ASA met with the Prime Minister and told the Prime Minister that Magmus erupted due to friction between two tectonic plates near Magmus. For the second part of the investigation, the ASA delegated the task to ATI. The ASA ordered ATI to collect all communications sent to Arpesian, Rasmanian, or Lanian (Arpesia's eastern neighbor) email addresses and social media accounts. The ASA selected the three countries due to their close proximity to the ARP ONE site. ATI stored the personal information of all communications covered by the sweep at a large facility in western Arpesia.
37. ATI took four days to conduct the sweep, gathering information including intelligence reports from eyewitnesses near the site of ARP ONE as well as Arpesian investigators who had assessed the remains of the bomb that detonated below ARP ONE. An Arpesian investigator who had assessed the site where the bomb detonated made specific reference in his report that the "bomb's imprint and design has all the hallmarks of a Harzule operation." The ATI located the Internet Protocol ("IP") address connected to a smart phone Harzulian used to send the email to the Liberators. Through the IP address, ATI confirmed the location of the origination of the message to be in a warehouse outside Rasmania's capital city.
38. ATI initially stated the information transferred to the same western Arpesian facility would be held for a three-week period for the purpose of finding the cause behind the destruction of ARP ONE. After the three-week period expired, ATI sent a mass text message to all cell phone carriers as well as a mass mailer to all known email addresses in Arpesia and Rasmania that all information processed by ATI was removed permanently from the facility. Arpesian law does not make any exemptions for retention of data for criminal or investigative purposes.
39. After the three week period expired, some within ATI erased all information necessary for the investigation. Prior to the deletion, others within ATI used the information collected to conduct an unauthorized project on the correlation between urbanization and the growth of crime in Arpesia and Rasmania. ATI claimed the statistical analysis would help ATI and the Arpesian government identify the characteristics of many criminal groups operating in Arpesia. Much of the information included the mortgage and credit card transactions of suspected thieves and murderers in major Arpesian and Rasmanian cities. Some of the

information analyzed revealed the racial makeup, ethnicity, and union membership of over 70% of Arpesian and Rasmanian households.

40. In the months after being transferred to Rasmania, the Turite underwent weeks of training in Liberator bomb-making techniques. The Turite worked in sweltering heat in caverns near the Liberator facilities. The training aimed at developing proficiency in the use of dynamite, electrical wiring, and metallurgy to craft homemade bombs. When all the materials were ready for assembling, nine Turite were locked in a room for ten hour shifts with little food and water. If the bomb was not assembled according to Liberator specifications, the Turite were whipped and beaten. The Turite were responsible for installing the bombs on future missions targeting Arpesian telecommunication systems and transportation hubs. Notwithstanding the original language barrier, over the past three months, the Turite labor became an integral part in the success of Harzule operations disabling local internet connections in residential communities across Northern Arpesia by cutting the power supplies.
41. On March 2, 2013, the Harzule posted a link on their blog, Harznet1, containing an article describing the “herculean efforts” of the Turite in accepting technology, and for helping the Liberators overcome Arpesia’s technological prowess. At the bottom of the article, a box stating “purchase a Turite” allowed users to enter into an auction, in which users could bid for Turite labor at a premium. The prospective purchasers were not permitted to disclose their real names. The purchasers included both Rasmanians and Arpesians. The top bidders had to pay a fee to a Harzule Liberator once the Turite arrived at the destination selected by the bidders. The purchasers’ identities were limited to a specially created alphanumeric username and email address. Unbeknownst to the purchaser, once a bid was entered into the system, the system stored the IP address of the users’ computers and kept the addresses stored in the website.
42. The ATI alerted the Arpesian authorities to the link on Harznet1 and confirmed the location as being in the same warehouse in Rasmania that Harzulian had previously ordered the ARP ONE attack from. Arpesia’s Information Minister immediately contacted the Rasmanian government to take down the site, claiming the Turite people were being improperly detained and that unsuspecting Arpesians could be affected by potential violence arising from the transit of the Turite in Arpesian towns and cities. Email and Twitter exchanges between the Arpesian and Rasmanian Information Ministries ensued. Some of the exchanges included #freetheturite, #turiteunite, and #peaceloveturite, among other comments.
43. Some within the Rasmanian government knew that rogue groups with similar principles to the Harzule, but not the Harzule, used the porous Arpesian-Rasmanian border to funnel grenades and guns, including from the Rasmanian arsenal, to support the small anti-Turite insurrection against the Arpesian government. However, no one within the Rasmanian government had previously known of the Turite auction or of the movement of Turite individuals into Arpesia. The Harzule only allowed the auction bids to be entered via a clandestine virtual private network (“VPN”), which restricted access to computers linked with the Rasmanian government computer network. Moreover, Rasmanian officials did not suspect that the auctioned-off Turite would end up in small destitute shanty towns on both the Arpesian and Rasmanian side of the border with small populations and little government funding. The groups involved in these transactions included small dry cleaning businesses, maid services, and small restaurants. The Arpesian businesses housed the Turite in cold, cramped basements with few windows and little communication with outsiders.
44. The Arpesian government wanted to end this conflict completely by arresting the Harzule Liberators as well as Tetsa Harzulian for the attack on ARP ONE and the capture and continuing brutal mistreatment of the Turite people. Arpesia claimed long-arm jurisdiction over the foreign parties and utilized a provision in the

Arpesian-Rasmanian Free Borders Agreement which had established jurisdiction for any crime in the country where the crime was committed, irrespective of nationality. The Arpesian government specifically wanted those Harzule members responsible for the cyber attacks on ARP ONE to be prosecuted in Arpesia, because the Arpesian government has well-established specialized courts with expertise in cyber crime issues. The Arpesian government demanded the extradition by the Rasmanian government of Harzule members so that they could be prosecuted in Arpesian courts. The Rasmanian government refused, responding that if it became aware of anyone within its borders who took part in any of these acts, they would be investigated and further proceedings would be decided at that time. Additionally, the Rasmanian government stated that if a cyber-crime had been initiated within its borders, the provision in the Arpesian-Rasmanian Free Borders Agreement gave Rasmania exclusive jurisdiction.

45. The dialogue between the Arpesian and Rasmanian information ministries ended on March 30, 2013 with no agreement to disable Harznet1 permanently or to extradite any Harzule members. On April 1, 2013, an emergency meeting was held in the parliament bunker consisting of Arpesia's cabinet: Arpesia's Prime Minister, Information Minister, National Security Advisor, and Defense Minister. Arpesia's Prime Minister declared that Arpesia, in response to the attack on ARP ONE, would start collecting the personal information of individuals who used Harznet1 to purchase Turite individuals. The Prime Minister did not inform Rasmania of the operation.
46. The operation, known as "Operation Switchboard," was implemented on April 15, 2013 by executive order on the grounds that Harznet1 posed a "real and tangible" risk to the livelihood of all Arpesian citizens. The Prime Minister ordered the ASA to find a way to access the auctions on Harznet1, which had prevented Arpesian and Rasmanian government officials in the past from accessing the site. The Prime Minister proposed a two-month timetable. Once ATI could develop the decryption technology to access Harznet1, the ASA would then locate all the IP addresses that entered into the "Turite purchase" website to figure out who participated in the program.
47. On June 15, 2013, ATI developed the code to cross check the IP addresses of bidders. ATI determined that out of the 1,000 participants in the "Turite Purchase" program, approximately 650 were Rasmanian citizens. The 650 Rasmanian citizens resided either within Rasmania's main megalopolis, consisting of Rasmania's capital city and several medium-sized cities that contained Rasmania's main manufacturing companies. IP addresses showed Rasmanian participants in the program held bank accounts in the Bank of Rasmania. ATI also found personal information including street address, telephone number, and citizen identification number.
48. On June 17, 2013, a list was generated showing all participants in the Turite Purchase program along with their personal information. ATI transmitted the list to the Prime Minister's Office. The Prime Minister reconvened an emergency meeting of the cabinet to discuss the next move in apprehending the participants. On June 18, 2013, the Prime Minister ordered the ASA to round up the individuals on the list for interrogation. The ASA used an abandoned cement plant on the outskirts of Rasmania's capital city originally used as a surveillance post to monitor Rasmania's technological development following Rasmanian independence. The Prime Minister issued a directive mandating the ASA use the plant as a staging ground for the round-up of Rasmanians participating in the Turite purchase program.
49. The head of the ASA and his advisors arrived in Rasmania first. Then, over a two day period from June 19-20, 2013, the ASA directed 100 groups of five ASA officers, each using a fake name and fake passport, to board thirty separate commercial flights departing Arpesia's main international airport en route to

Rasmania. Even though Arpesian security officers misrepresented their identity, the ASA officers received pre-border clearance to enter into Rasmania in accordance with the Free Borders Agreement.

50. The Prime Minister also contacted the Arpesian Embassy in Rasmania. The Arpesian Embassy would provide vehicles to pick up the ASA members at the top floor of the main airport parking garage. The ASA members would then be transported to the cement plant for further instruction. On June 21, 2013, after all security personnel arrived at the cement plant, the head of the ASA addressed the officers to inform them of the logistics of the roundup.
51. The officers were told that the ASA reached out to a private Arpesian-owned and –registered landscaping company based in Rasmania that maintained large contracts with important Rasmanian governmental institutions, including the exquisite topiary gardens at the Rasmanian National Museum. Also, the landscaping company held smaller contracts with the private residences of senior Harzule leaders. At no time did the Harzule leaders know the Arpesians controlled the company. The landscaping company also worked with several property management companies in Rasmania’s capital city and in small towns on the outskirts. Three times a week, on Tuesday, Friday, and Saturday, the landscaping company would perform services at major residential communities, including lawn mowing, tree-trimming, and pressure cleaning.
52. The head of the ASA conducted a lengthy meeting with the Board of Directors of the landscaping company on a plan to have ASA officers pose as migrant workers performing landscaping services at various locations operated by the landscaping company. These locations were cross-checked against the participants’ addresses generated by ATI back on June 17. Once the locations were narrowed down to include only those within a 5 mile radius of the participants’ addresses, the ASA deployed groups of five ASA officers disguised as migrant workers to the designated locations. Typically, when the landscaping employees arrived at the residential communities, they gave a courtesy knock on the doors to let the homeowners know they will be working on their property. Homeowners would acknowledge the employee’s arrival.
53. As instructed by the ASA, the officers knocked on the participants’ door and asked the person who answered the door their name. If the officer received a positive identification, the officer would drag the individual out of the house and into a transport vehicle parked a few houses away. The individuals were blindfolded and transported to the abandoned cement plant for further questioning. This sting was called “Operation Grasshopper,” and was designed to capture as many Rasmanian participants of the Turite purchase program as possible.
54. Ideally, after the participants were captured and questioned, they were sent to a maximum security prison in northwest Arpesia for 50 years in solitary confinement. During the first months of their prison sentences, the Rasmanian participants would be forced to issue a statement in their cells, to be later broadcast on international news outlets, condemning the Turite Purchase program as an egregious act and vilifying the Rasmanian government for its failure to halt the program.
55. For the 350 Arpesians who participated, they were grabbed via ASA agents throughout the week prior to Operation Grasshopper. According to the ATI list, the 350 Arpesians all resided in the remote shantytowns that line the Arpesian-Rasmanian border. News coverage of the operation in this area was minimal. The only activity reported were eyewitness accounts of popping noises and sporadic gunfire. The eyewitnesses, mostly mountain shepherds and ranchers, could not identify the source of the noise or gunfire.
56. On June 22, 2013, Operation Grasshopper commenced, with 50 Rasmanian participants in Rasmanian territory being captured. However, when the ASA went to grab the 51st participant, they were exposed. Edmund Walters, a Rasmanian citizen, pro-Harzule supporter, and employee of the landscaping company,

- who never revealed his political affiliations to the Arpesian ownership, leaked Operation Grasshopper to Rasmanian authorities. Walters had not been privy to any information discussed at the abandoned cement plant or to any communications between the ASA and the landscaping company board of directors.
57. While tree-trimming at a residence next door to a targeted house owned by a Turite Purchase participant named Ron Donaldson, Walters overheard two ASA agents discussing the operation. When one of the agents wanted clarification regarding the street address of the abandoned cement plant after Donaldson had been apprehended, the other agent stated in a booming voice, not knowing that there were people nearby, that the address was “125-A Sandstone Parkway.” To make sure his memory would not fail him later on; Walters reached for his pocket, took out his smart phone and accessed his Twitter account.
 58. Walters tweeted the following message: “@RBI what’s up with #Arpesia spies kidnapping us?” to the Rasmanian Bureau of Investigation (“RBI”). The Arpesian governmental Twitter account had an alert set for communications involving the tags for #Arpesia to any Rasmanian governmental organization, including the RBI, so the ASA agents left Rasmania immediately, together with their Rasmanian prisoners.
 59. The RBI immediately notified the Rasmanian government of the operation in Arpesia and stated it would close down the Arpesian-Rasmanian border, and demanded the Rasmanians be returned. However, Arpesia failed to respond regarding the return of the Rasmanians who were being questioned and imprisoned. Rasmania warned Arpesia if it did not comply by returning those who were captured on Rasmanian territory within a week, repercussions would occur.
 60. After one week of silence from the Arpesian government, the Rasmanian government acted. Rasmanian computer specialists, instructed by the Rasmanian government, planted malware into the networks of Arpesian banks. Once the malware entered into the system, any credit card used by an Arpesian in a normal transaction would be rendered inoperable. In addition, Rasmanian specialists chose to steal the Personal Identification Number (PIN), extract all personal information, and sell the information on the open market.
 61. On June 20, 2013, ATI officials with the help of the ASA raided the residences of five prominent members of the Rasmanian Computer Manufacturers Union (RCMU) in Rasmania on a hunch that RCMU was rallying support for the establishment of a regional monopoly and the buyout of major Arpesian computer companies. ATI officials coordinating the crime project from the original sweep in May 2013 kept the information in a shared, secured folder on the main Arpesian government database, accessible to all ATI officials and government personnel. However, an intern at ATI left the security settings accidentally off. By late June 2013, most of the information including the national identification numbers of Arpesians and Rasmanians circulated throughout all major branches of the Arpesian government. Through the end of June 2013, claims of identity theft and fraud, victimizing the individuals targeted, rose significantly in both Arpesia and Rasmania.
 62. On June 26, 2013, the malware officially hit all major Arpesian banks. Chaos erupted in the streets as Arpesians could not withdraw funds or deposit checks into their bank accounts. Fearing that the Arpesian people would release information to rally international condemnation of the incident, the Rasmanian government sent a Trojan horse into ATI’s central database, which disabled its operations for an extended period of time. The shutdown of ATI defense capabilities provided enough time for the Rasmanian government to shut down all social media applications and email accounts in Arpesia, thus preventing any communications from leaving Arpesia.
 63. The radio became the last mode of communication for the Arpesians. Rasmania used the last few radio networks available in Arpesia to issue a statement exposing Operation Grasshopper and Arpesia’s capture of 450 Arpesians. Rasmania specifically emphasized that the Arpesian government and the ATI pooled

personal data from all Arpesian citizens to determine which individuals were involved in the Turite Purchase Program. The Arpesian government issued a statement shortly after Grasshopper was exposed and claimed that only metadata was taken. The Arpesian government claimed that the information obtained only confirmed the general location of the source and destination of communications deemed by the Arpesian government as a threat to national security. Arpesia claimed the recent attacks by Rasmanian-based terrorist groups and the capture of innocent Turite people prompted the seizure of information.

64. Over a five-day period, Arpesian citizens launched several protests outside of the Arpesian parliament to demand an investigation into the motives behind the ATI program and the seizure of Arpesian citizens during Operation Grasshopper. Humiliated by the cover-up, the Arpesian Prime Minister issued an executive order to the Arpesian Air Force to demolish all Rasmanian communication installations and military outposts. On June 30, 2013, the Arpesian Air Force sent an unmanned aerial combat vehicle that destroyed Rasmania's satellite farm in the remote eastern part of the country, which was recently upgraded to provide clearer communications between Rasmanian military interests around the world with Rasmanian central command.
65. After the bombing, the Arpesian Air Force took pictures of the devastation it caused. The Arpesian government received the pictures from the Air Force and posted the pictures to its governmental Instagram account. The pictures were posted in a collage format with a caption entitled #warwithrasmania.
66. During the morning hours on July, 1, 2013, the Rasmanian government decided to shut down Arpesia's main electrical grid by using an electromagnetic pulse. The government smuggled an experimental device to the capital city of Arpesia and detonated the device. The pulse fried the grid. As a result, major economic engines that relied on the grid, including Arpesia's high-speed railway network, stock market, and water distribution system were shut down for one full week as Arpesia scrambled to repair the grid. Arpesia Prime Minister estimated that total economic loss for the full week exceeded two billion Arpesian dollars.
67. The Arpesian Prime Minister contacted the Rasmanian President to attempt to resolve the situation, but these efforts yielded no positive result. In reaction, Arpesia initiated a claim against Rasmania before the International Court of Justice, claiming violation of its sovereignty and territorial integrity by Rasmania's invasion of its territory and cyberspace, its harboring and supporting of terrorists, as well as a plethora of treaty violations and violations of customary international law, including enslavement of an indigenous peoples. Rasmania asserted that all its actions have been either perfectly legal or are justified by the necessities of self-defense and as legitimate countermeasures. It also accused Arpesia of both physical and cyber aggression, of destroying the lands of indigenous peoples in violation of customary international law, the kidnapping of Rasmanian citizens, and violation of privacy rights. It agreed with Arpesia, though, on stipulating the facts as stated in this *compromis*, jointly notified to the Court on 16 September, 2013.
68. Arpesia and Rasmania are members of the United Nations. They are also parties to the Vienna Convention on the Law of Treaties, the International Covenant on Civil and Political Rights, and all four Geneva Conventions and both Additional Protocols. Arpesia and Rasmania appreciate the spirit and share the policies of the European Union Data Directives, OECD Privacy Guidelines, the APEC Privacy Framework of 2004, and the European Convention on Human Rights. Arpesia and Rasmania have ratified the 2000 United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially in Women and Children, and have criminalized trafficking in persons as defined by Article 3 of the Protocol. Arpesia and Rasmania voted for the 2007 UN Declaration on the Rights of Indigenous Peoples. Arpesia and Rasmania have a Free Borders Agreement.

69. Applicant, Federal Republic of Arpesia, requests the Court to adjudge and declare that:
- a. The case is admissible.
 - b. Rasmania committed acts of aggression through physical and cyber actions, and harbored and supported a terrorist group in violation of international law.
 - c. Arpesia's data collection efforts and limited intrusions into Rasmanian territory in pursuit of international criminals are not violative of international law.
 - d. Rasmania violated international law by allowing the Harzule to forcibly transfer the Turite into Rasmanian territory for purposes of exploitation and by failing to prosecute the Harzule.
 - e. Rasmania violated international law by allowing the Harzule to enslave the Turite.
 - f. Rasmania violated international law by allowing third parties to obtain the banking information of Arpesian citizens.

70. Respondent, Kingdom of Rasmania, requests the Court to adjudge and declare that:
- a. The case is inadmissible.
 - b. Arpesia committed acts of aggression against Rasmania, both of a physical and a cyber nature.
 - c. Rasmania did not commit acts of aggression against Arpesia as it is not responsible for the acts of the Harzule, and its own acts were justified by self-defense and as appropriate countermeasures.
 - d. Arpesia violated the rights of its indigenous peoples by building a tower on their sacred land.
 - e. Arpesia kidnapped Rasmanian citizens on Rasmanian territory and transferred them to Arpesia in violation of international law.
 - f. Arpesia violated international law by subjecting Rasmanian citizens to arbitrary and unlawful interference with their privacy.

Annex 1

